

Please Note: These transcripts are not individually reviewed and approved for accuracy.

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BEFORE THE
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF THE:

REGULAR MONTHLY)
BOARD MEETING)
_____)

DATE AND TIME: WEDNESDAY, MARCH 23, 1999
9:30 O'CLOCK A.M.

PLACE: BOARD HEARING ROOM
8800 CAL CENTER DRIVE
SACRAMENTO, CALIFORNIA 95826

REPORTER: NICOLE M. JOHNSON, CSR NO 11891

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APPEARANCES:

DAN EATON, CHAIRMAN
STEVEN R. JONES, BOARD MEMBER
DANIEL G. PENNINGTON, BOARD MEMBER
DAVID A. ROBERTI, BOARD MEMBER

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45	WELCOME TO THE MARCH 23RD MEETING OF THE CALIFORNIA	
46	INTEGRATED WASTE MANAGEMENT BOARD.	
47	<u>II. ROLL CALL AND DECLARATION OF QUORUM</u>	
48	CHAIRMAN EATON: MADAM SECRETARY, WOULD YOU PLEASE	
49	CALL THE ROLL?	
50	THE SECRETARY: BOARD MEMBERS JONES?	
51	MEMBER JONES: PRESENT.	
52	THE SECRETARY: PENNINGTON?	

1 MEMBER PENNINGTON: HERE.

2 THE SECRETARY: ROBERTI?

3 MEMBER ROBERTI: HERE.

4 THE SECRETARY: CHAIRMAN EATON?

5 CHAIRMAN EATON: HERE.

6 A QUORUM IS PRESENT.

7 III. OPENING REMARKS

8 CHAIRMAN EATON: FIRST OFF I'D LIKE TO START -- DO
9 ANY MEMBERS HAVE ANY *EX PARTES* THAT NEED TO BE REPORTED?

10 AND IF IT WOULD BE OF ASSISTANCE TO THE
11 GROUP, I KNOW EACH OF YOU RECEIVED SOME LETTERS LATE LAST
12 EVENING, EITHER JUST BEFORE YOU LEFT OR THEY WERE IN YOUR
13 BOX THIS MORNING. SO I WOULD BE HAPPY -- IF YOU WANT ME TO
14 GO THROUGH THOSE AND, THEREFORE, YOU CAN JUST ADD ON AND --
15 RATHER THAN HAVE TO GO INTO THE RECORD. LETTERS -- AND I'LL
16 BE THE FIRST TO GO ON THE *EX PARTE* -- WOULD BE:

17 RODNEY RICHARD JONES, REGARDING COLD CREEK
18 COMPOST, ITEM NO. 4 ON TODAY'S AGENDA;

19 NEMAT CHICURA GRATHAM (PHONETIC) REGARDING
20 WHITE WATER SLOUGH;

21 YVONNE HUNTER, CALIFORNIA LEAGUE OF CITIES,
22 REGARDING SB 1066, AS WELL AS THE BASE-YEAR ADJUSTMENTS;

23 WHITMAN F. (PHONETIC) MANLEY, FROM THE LAW
24 FIRM OF RAIMEY, THOMAS & MOOSE (PHONETICS), REGARDING ITEM
25 NO. 7, SAN JOAQUIN COMPOSTING, INCORPORATED;

26 SENATOR WESLEY CHESBRO REGARDING ITEM NO. 32
27 ON TODAY'S AGENDA;

28 BRETT HORN, CITY OF SANTA MONICA, REGARDING
29 ITEM NO. 30;

30 ROBERT NELSON, RIVERSIDE COUNTY WASTE
31 MANAGEMENT DEPARTMENT, REGARDING ITEM NO. 32;

32 MS. JANET GOTZ, FORMER BOARD MEMBER,
33 REGARDING PLAYGROUND COVER AND SURFACE GRANT PROGRAM. I
34 BELIEVE THAT'S ITEM NO. 30;

35 AND, AT LEAST FINALLY ON MY LIST, IS RENE
36 MENDEZ, COUNTY OF INYO, REGARDING THE ITEM ON TODAY'S
37 AGENDA, WHICH I BELIEVE IS ITEM NO. 8.

38 IF ANY OF THE BOARD MEMBERS HAVE ANY
39 ADDITIONAL *EX PARTES*? MR. PENNINGTON?

40 MEMBER PENNINGTON: MR. CHAIRMAN, I HAVE HAD A
41 MEETING THIS MORNING WITH LARRY SWEETSER, PAUL GLASS, AND
42 SUSAN PITANI (PHONETIC) DEALING WITH NUMBERS.

43 AND I ALSO GOT A LETTER FROM THE CITY OF
44 VALLEJO CODE ENFORCEMENT ON AGENDA ITEM NO. 9.

45 CHAIRMAN EATON: MR. JONES.

46 MEMBER JONES: ALL OF THE ONES THAT YOU READ INTO
47 THE RECORD, AS WELL AS A BRIEF CONVERSATION WITH DENISE
48 DELMATIER, GEORGE LARSON, AND JIM CERMAK.

49 MEMBER PENNINGTON: MR. CHAIRMAN?

50 CHAIRMAN EATON: SURE.

51 MEMBER PENNINGTON: JUST FOR THE RECORD, I GOT ALL
52 THOSE THAT YOU MENTIONED.

1 CHAIRMAN EATON: THEY JUST KEEP COMING, DON'T
2 THEY?
3 MEMBER JONES: OH, YES, THEY DO.
4 SENATOR ROBERTI, ANY ADDITIONS?
5 MEMBER ROBERTI: YEAH. WITH -- JUST A GENERAL
6 CONVERSATION ON BOARD ORGANIZATION WITH SECRETARY HICKHOCKS
7 (PHONETIC).
8 CHAIRMAN EATON: OH, GREAT.
9 WITH REGARD TO TODAY'S AGENDA, FOR THOSE OF
10 YOU WHO ARE HERE FOR THE FIRST TIME AND FOR THE USUAL
11 SUSPECTS WHO ARE HERE ALL THE TIME, THERE ARE SPEAKER
12 REQUEST FORMS ON THE BACK TABLE, BACK THERE. IF YOU WISH TO
13 ADDRESS ANY ITEM ON TODAY'S AGENDA, IF YOU'D KINDLY FILL OUT
14 THE SLIP WITH THE SPECIFIC ITEM OR ITEMS YOU PLAN ON
15 ADDRESSING, AS WELL AS THE ITEM NUMBER, THAT WOULD BE OF
16 GREAT HELP TO US, AND GIVE IT TO MS. DOMINGUEZ HERE ON MY
17 LEFT AND YOUR RIGHT, WE'LL MAKE SURE THAT THE CHAIR AND --
18 OR THOSE WHO ARE PRESIDING WILL BE AWARE OF YOUR DESIRE TO
19 ADDRESS THE BOARD, AND WE WILL ACCOMMODATE YOU AT THE TIME.
20 IF FOR SOME REASON YOU HAVE MORE THAN ONE
21 ITEM THAT YOU CARE TO SPEAK ON, IF YOU WOULD BE GRACIOUS
22 ENOUGH TO ONLY USE ONE ITEM SLIP, IN KEEPING WITH OUR
23 PRINCIPLES OF REUSE/RECYCLE AND REDUCE, THAT WOULD BE
24 HELPFUL AS WELL. AND WE PROMISE WE WILL KEEP IT IN ORDER
25 FOR YOU.
26 IV. REPORTS AND PRESENTATIONS [INCLUDING ORAL REPORTS FROM
27 BOARD MEMBERS, ORAL REPORT FROM THE EXECUTIVE DIRECTOR AND
28 EXECUTIVE STAFF, AND ORAL REPORT ON THE STATUS OF THE 21ST
29 CENTURY POLICY DEVELOPMENT PROCESS; NOT IN ORDER AS
30 PUBLISHED IN THE AGENDA.]
31 CHAIRMAN EATON: HAVING SAID THAT, I'D LIKE TO NOW
32 ASK IF THE BOARD MEMBERS HAVE ANY REPORTS OR ITEMS YOU'D
33 LIKE TO BRING UP PRIOR TO OUR GOING INTO THE REGULAR COURSE
34 OF BUSINESS? MR. PENNINGTON?
35 MEMBER PENNINGTON: MR. CHAIRMAN, I'D JUST LIKE TO
36 REPORT THAT LAST WEEK I SPENT A COUPLE OF DAYS DOWN IN THE
37 L.A. AREA AND VISITED TONCO (PHONETIC) AND THE MITSUBISHI
38 CEMENT PLANT, THE EL SOBRANTE LANDFILL, AND THE MILLIKEN
39 (PHONETIC) ROAD LANDFILL. I FOUND MY TRIP VERY INTERESTING,
40 AND STAFF WAS VERY HELPFUL. AND IT ALWAYS DOES ME GOOD TO
41 GET OUT AND SEE SOME OF THESE THINGS, IT MAKES IT MUCH
42 EASIER TO UNDERSTAND WHAT PEOPLE ARE TALKING ABOUT. AND THE
43 TRAIN RIDE WAS NICE.
44 CHAIRMAN EATON: THANK YOU.
45 MEMBER PENNINGTON: ABSOLUTELY. I READ ABOUT
46 THESE 737S, SO I TAKE THE TRAIN.
47 CHAIRMAN EATON: AS LONG AS YOU'RE NOT GOING TO MY
48 HOME STATE OF ILLINOIS I THINK YOU'RE IN SAFE HANDS.
49 MEMBER PENNINGTON: YEAH, RIGHT.
50 CHAIRMAN EATON: MR. JONES.
51 MEMBER JONES: MY ONLY REPORT WOULD BE ON THE 21ST
52 CENTURY. DO YOU WANT ME TO GIVE IT NOW?

1 CHAIRMAN EATON: OKAY. PLEASE.

2 MEMBER JONES: OKAY. THE BOARD HELD ITS SECOND
3 PHASE OF THE 21ST CENTURY PROJECT AT THE SACRAMENTO
4 CONVENTION CENTER ON MARCH 9TH AND 10TH. MARCH 9TH WAS OPEN
5 TO THE PUBLIC, WE HAD SOMEWHERE BETWEEN 150 AND 200 PEOPLE
6 TALKING ABOUT THE ISSUES THAT WERE IDENTIFIED IN SOUTHERN
7 CALIFORNIA AT OUR ISSUES SUMMIT. AND IT WAS AN INTERESTING
8 DAY, IT WAS A SUCCESSFUL DAY.

9 WE -- IN SOUTHERN CALIFORNIA PEOPLE WERE ABLE
10 TO LIST ISSUES AND TRENDS THAT THEY SAW COMING IN THE FIRST
11 DECADE OF THE 21ST CENTURY. AT THIS CONFERENCE IT WAS
12 TAKING 21ST CENTURY IT WAS TAKING THOSE ISSUES AND TRENDS,
13 BREAKING THEM DOWN TO NINE CATEGORIES, AND HAVING PEOPLE
14 FROM DIFFERENT STAKEHOLDER GROUPS TRY TO WORK ON BEST-CASE
15 AND WORST-CASE SCENARIOS WHERE POINTS OF VIEW WERE OBVIOUSLY
16 -- WE HAD SOME PRETTY ADAMANT FOLKS IN THAT -- IN THOSE
17 DISCUSSIONS. IT WAS A GOOD DAY.

18 THE FOLLOWING DAY THOSE SCENARIOS -- AND I
19 WILL SAY THAT ALL THE BOARD MEMBERS PARTICIPATED IN THE
20 MARCH 9TH -- MR. EATON AND I LEFT ABOUT 3:30 BECAUSE WE HAD
21 TO BE IN SAN FRANCISCO TO DEAL WITH BIO-CYCLE (PHONETIC) BY
22 7:30, SO WE LEFT AND GOT DOWN THERE, AND THAT WAS A GOOD
23 CONFERENCE.

24 BUT, THE SECOND DAY 40 MEMBERS OF OUR STAFF,
25 ALONG WITH MR. EATON AND I, WORKED ON THOSE PROBABLE
26 SCENARIOS THAT WE COULD SEE IN THE FIRST DECADE OF THE 21ST
27 CENTURY AND TRIED TO FIGURE OUT WHERE GOVERNMENT NEEDED TO
28 INSERT ITSELF TO HELP FACILITATE THE TYPES OF CHANGES OR
29 NEEDS THAT WE WANT TO SEE IN THAT FIRST DECADE OF THE 21ST
30 CENTURY.

31 WE ARE A LONG WAY FROM COMING UP WITH A WORK
32 PRODUCT, WE STILL HAVE A LOT OF WORK TO DO, BUT I THINK IT
33 IS -- I THINK I SPEAK FOR ALL THE BOARD MEMBERS WHEN WE
34 CONGRATULATE MR. CHANDLER AND OUR STAFF, RUBIA, PACKARD,
35 MAUREEN, TRACY HARPER (PHONETICS), ALL THE FOLKS THAT WORKED
36 ON IT, AS WELL AS THOSE 40 STAFF MEMBERS THAT EITHER SAT ON
37 TABLES OR WERE FACILITATORS OF TABLES, AND THEN JOINED US
38 THE NEXT DAY TO TRY TO WORK THROUGH ALL OF THOSE ISSUES, ALL
39 OF THOSE SCENARIOS. IT WAS JUST AN EXCEPTIONAL DAY, A
40 COUPLE OF DAYS.

41 AND I THINK THAT THIS KIND OF PROACTIVE
42 GOVERNMENT MAKES AN AWFUL LOT OF SENSE, OR AT LEAST THAT'S
43 WHAT WE'VE HEARD FROM EVERYBODY THAT PARTICIPATED. SO THOSE
44 OF YOU THAT DID PARTICIPATE, WE THANK YOU. AND WE WILL --
45 THOSE STAFFERS, WE APPRECIATE THE EFFORTS. AND THERE'S
46 STILL MORE WORK TO DO.

47 AND THAT'S MY REPORT, MR. EATON.

48 CHAIRMAN EATON: THANK YOU.

49 SENATOR ROBERTI?

50 MEMBER ROBERTI: WELL, LET'S SEE. WELL, FRIDAY I
51 VISITED THE EAST LOS ANGELES RECYCLING CENTER.

52 AND I AGREE WITH MR. PENNINGTON, THAT IT'S

1 IMPORTANT FOR US TO VISIT THE FACILITIES. IT'S UTTERLY TOO
2 THEORETICAL UNLESS YOU GO DOWN THERE AND GET AN IDEA OF WHAT
3 THEY'RE TALKING ABOUT, AND THE AREAS THAT ARE NOTICED AND
4 WHAT THAT LOOKS LIKE. AND MAYBE AN ADDED SENSITIVITY TO THE
5 NEIGHBORHOODS WHERE WE ESTABLISH PLACES, AS WELL AS THE
6 FACILITIES AND THE NEED FOR THE FACILITIES THAT WE'RE TRYING
7 TO CREATE.

8 IN ADDITION, I TOOK A TOUR, I THINK AFTER
9 YOU, MR. CHAIRMAN, OF -- THIS WAS THE WEEK BEFORE LAST, OF
10 LAKIN (PHONETIC), AND THAT'S A VERY IMPRESSIVE FACILITY.
11 AND ALTHOUGH THEY HAD I GUESS A COUPLE OF LICENSING -- NOT
12 LICENSE -- PERMITTING QUESTIONS, OVER, IN ALL, IT'S THE KIND
13 OF BENEFICIAL USE THAT I THINK WE SHOULD ENCOURAGE. ALBEIT,
14 AT THE SAME TIME RECOGNIZING THAT THEY HAVE TO BE CONCERNED
15 ABOUT PERMITTING AND SPRINKLING, AND ALL THESE OTHER
16 NECESSITIES.

17 SO I JUST SECOND THE -- MR. PENNINGTON'S
18 MOTIONS -- OR, COMMENT, THAT IT'S VERY IMPORTANT FOR US TO
19 SEE THE REAL WORLD, AS WELL AS DO THE THEORETICAL WORK ON
20 THE BOARD.

21 CHAIRMAN EATON: I SHARE THOSE SENTIMENTS AND AM
22 TRYING VERY, VERY HARD TO GET OUT MYSELF. AND I DID VISIT
23 THE GREAT TIRE PILE JUST SOUTH OF HERE LAST WEEK, AND WOULD
24 SHARE THE SENTIMENTS OF BOTH MR. PENNINGTON AND YOURSELF.

25 AT THE SAME TIME, I'D ALSO LIKE TO THANK THE
26 BOARD MEMBERS FOR THEIR PARTICIPATION ON THE 21ST CENTURY.
27 AND FOR DAN AGAIN, ONCE AGAIN, FOR BRINGING IT FORWARD.
28 ALSO THE STAFF AND THE PARTICIPANTS. AND IT'S NOT JUST
29 WE'VE DONE IT AND NOW IT JUST SITS ON A SHELF, WE WILL
30 CONTINUALLY BE ACTIVE IN TRYING TO BRING THAT BACK, AND IN
31 THE NEXT SEVERAL MONTHS YOU'LL SEE SOME ACTIVITY THERE.

32 AT THE SAME TIME, I SHOULD ALSO PUBLICLY TELL
33 YOU THAT I FEEL THAT I WAS REMISS, AS ONE OF THE CO-CHAIRS,
34 FOR FAILING TO ACKNOWLEDGE KEITH SMITH, BOTH AT THE
35 CONFERENCE AND THEN SUBSEQUENT THERETO. KEITH IS NOT HERE
36 TODAY, BUT I THINK IT WAS HIS ACTIVE PARTICIPATION AND HIS
37 THOUGHTS AS WELL. AND I KNOW THAT THE EXECUTIVE DIRECTOR
38 AND MR. JONES DID SEND OUT A MEMO TO THAT EFFECT.

39 SO, I DO HAVE JUST A COUPLE OF HOUSEKEEPING
40 ITEMS, I'M GOING TO PUT THEM UNDER REPORTS JUST FOR SAKE OF
41 EFFICIENCY, THAT I THINK THAT BOTH THE BOARD MEMBERS AND THE
42 PUBLIC SHOULD OUGHT TO BE AWARE OF.

43 NEXT TUESDAY, I BELIEVE MARCH 30TH, WE WILL
44 BE HOLDING A WORKSHOP ON THE TIRE REPORT THAT IS DUE IN THE
45 LEGISLATURE WITHIN THE NEXT 60 DAYS. THAT WORKSHOP WILL BE
46 HELD HERE, I BELIEVE IT BEGINS AT 9:00 A.M. AND WILL GO TO
47 APPROXIMATELY 2:00 A.M. I WOULD ENCOURAGE BOTH THE BOARD
48 MEMBERS AND THE STAFF, AND ALL OF THE STAKEHOLDERS, TO
49 PARTICIPATE IN THAT MEETING. THAT WILL BE AN IMPORTANT
50 MEETING, AS THAT ITEM WILL COME BEFORE THE BOARD IN ITS
51 APRIL MEETING, AND THAT WILL BE THE FIRST CHANCE THAT THE
52 BOARD WILL TAKE AN ACTIVE DECISION-MAKING ROLE IN THAT, THEY

1 WILL BE ABLE TO PARTICIPATE IN THE WORKSHOP. BUT I WANTED
 2 TO REMIND YOU BOTH THAT THE WORKSHOP IS THE 30TH, AND THAT
 3 THAT ITEM WILL BE COMING BEFORE THE BOARD AT THE END OF
 4 APRIL, AS WELL.

5 IN ADDITION, THE APRIL MEETING IS GOING TO BE
 6 QUITE LONG, A TWO-DAY MEETING, SO TO PUT EVERYONE IN THE
 7 AUDIENCE, AS WELL AS STAFF AND BOARD MEMBERS ON NOTICE. IN
 8 ADDITION TO TIRES WE HAVE OUR ANNUAL REVIEW AND ANNUAL VISIT
 9 TO THE RPPC, RIGID PLASTICS CALCULATION, AND OTHER AGENDA
 10 ITEMS -- ALWAYS A LIVELY DISCUSSION, ALWAYS A LONG
 11 DISCUSSION. SO I ENCOURAGE YOU TO LOOK AT YOUR CALENDARS,
 12 BLOCK IT OUT. I THINK WE WILL BE HERE FOR AT LEAST A GOOD
 13 PORTION OF THE TWO DAYS FOR SURE.

14 HAVING SAID THAT, AS WELL, I ALSO BELIEVE
 15 THAT, IN KEEPING WITH CALENDAR MANAGEMENT, THAT BECAUSE
 16 THOSE TWO DAYS ARE GOING TO BE QUITE LONG, AT LEAST HAVING
 17 CHECKED WITH MOST OF THE BOARD MEMBERS, ON MAY 5TH, I
 18 BELIEVE, WHICH IS -- I BELIEVE IT'S A TUESDAY, BUT I'D HAVE
 19 TO CHECK, WE WILL PROBABLY HAVE ANOTHER BOARD MEETING, OR A
 20 SPECIAL BOARD MEETING, WHICH I THINK WILL BE THE BASIS FOR
 21 THE BASE-YEAR ADJUSTMENTS THAT WE WILL TAKE UP, AND TRY AND
 22 GET AS MANY OF THOSE, AS WELL AS ANY OTHER KIND OF BUSINESS
 23 THAT WE NEED TO TAKE CARE OF. I THINK IT'S IMPORTANT ENOUGH
 24 THAT WE HIGHLIGHT THE FACT THAT THESE BASE-YEAR ADJUSTMENTS
 25 ARE COMING FORWARD. IT WILL ALSO GIVE US A CHANCE TO LOOK
 26 AT ALL OF THEM ALL AT THE SAME TIME, AS OPPOSED TO
 27 PIECEMEAL, AND HOPEFULLY THAT WILL HELP US IN A MORE
 28 RATIONAL DECISION-MAKING PROCESS.

29 WITH THAT, I SHOULD ALSO MENTION THAT WE HAVE
 30 SCHEDULED A OUT-OF-TOWN BOARD MEETING FOR THE END OF MAY IN
 31 VISALIA. THAT BOARD MEETING WILL NOT TAKE PLACE IN VISALIA
 32 AT THE END OF THE MONTH, BUT WILL TAKE PLACE HERE, RATHER,
 33 IN SACRAMENTO, SO WE WON'T BE TRAVELING AT LEAST FOR THE
 34 MONTH OF MAY, AND THAT WILL BE HELPFUL FOR SOME OF OUR
 35 BUSINESS. SO, EACH OF YOU CAN THEN PERHAPS, YOU KNOW, MAKE
 36 YOUR SCHEDULES ACCORDINGLY. IF YOU HAD PLANS TO KIND OF BE
 37 IN THE VISALIA AREA AROUND THAT TIME I'M SORRY, BUT WE'LL
 38 JUST HAVE TO CHANGE -- I THINK IT'S GOING TO BE IMPORTANT,
 39 ESPECIALLY AS THE BUDGET COMES UP.

40 THAT KIND OF CONCLUDES MY ANNOUNCEMENTS AND
 41 THE CALENDAR MANAGEMENT INFORMATION.

42 V. CONTINUED BUSINESS AGENDA ITEMS

43 CHAIRMAN EATON: IT'S MY UNDERSTANDING THAT WE DO
 44 NOT HAVE AGENDA ITEMS TO BE HEARD UNDER CONTINUING BUSINESS
 45 AGENDA ITEMS. SO, THEREFORE, WE WILL GO TO ITEM 1, WHICH IS
 46 THE CONSIDERATION OF APPROVAL OF THE ADOPTION OF A CONSENT
 47 CALENDAR.

48 IV. REPORTS AND PRESENTATIONS (RESUMED)

49 MR. CHANDLER: MR. CHAIRMAN, BEFORE YOU DO THAT --

50 CHAIRMAN EATON: I'M SORRY, I HAVE A -- I KNOW --

51 MR. CHANDLER: -- I HAVE A COUPLE OF THINGS --

52 CHAIRMAN EATON: -- I'VE GOT ONE MORE THING. I'VE

1 GOT THE EXECUTIVE DIRECTOR'S REPORT.

2 I THOUGHT WE COVERED IT ALL FOR YOU. AND
3 THIS IS THE SECOND TIME, SO THERE'S GOT TO BE A REASON WHY I
4 DON'T WANT TO HEAR THIS.

5 MR. CHANDLER: MAYBE BECAUSE YOU'VE HEARD IT
6 BEFORE. BUT, THANK YOU FOR GIVING ME A COUPLE OF MINUTES,
7 I'LL BE BRIEF. I DO HAVE A FEW ITEMS, MORE IN THE UPDATE
8 MODE, THAT I WOULD LIKE TO REVIEW WITH YOU.

9 AND THE FIRST HAS TO DO WITH OUR EFFORTS ON
10 THE FORECLOSURE OF THE TIGON (PHONETIC) INDUSTRIES. IF YOU
11 RECALL, AT OUR JANUARY 22ND MEETING, THE BOARD APPROVED A
12 CLEANUP OF THE TIGON SITE WITH \$241,000 OF OUR RECYCLING
13 CONTRACT FUND FROM OUR TIRE ACCOUNT.

14 THE CLEANUP WAS COMPLETED IN MID FEBRUARY AND
15 APPEARS TO BE COMING IN UNDER THE AMOUNT ORIGINALLY APPROVED
16 BY THE BOARD. THE NEXT STEP IS OBTAINING AN AUCTIONEER TO
17 SELL THE TIGON EQUIPMENT. ALSO IN PROCESS IS THE ORDERING
18 OF A PHASE ONE ENVIRONMENTAL ASSESSMENT FOR THIS SITE. ONCE
19 EQUIPMENT SALE AND PHASE ONE ENVIRONMENTAL ASSESSMENTS ARE
20 COMPLETE THE PROPERTY WILL BE TURNED OVER TO THE DEPARTMENT
21 OF GENERAL SERVICES FOR SALE. FUNDS FROM THE SALE WILL
22 REFER TO THE TIRE RECYCLING MANAGEMENT FUND.

23 SECOND AREA, JUST BRIEFLY, IS OUR WASTE
24 REDUCTION AWARDS PROGRAM, AS YOU KNOW, REFERRED TO AS WRAP.
25 WE WILL BE KICKING OFF OUR SEVENTH ANNUAL APPLICATION CYCLE
26 ON APRIL 1ST. THESE APPLICATIONS WILL BE ACCEPTED UNTIL
27 JUNE 30TH. A PROGRAM THAT TARGETS RESOURCE-EFFICIENT
28 PLAYERS IN CALIFORNIA'S BUSINESS COMMUNITY FOR RECOGNITION,
29 WRAP ALSO GIVES THE BOARD INSIGHT INTO HOW WIDELY WASTE
30 REDUCTION AND BUY RECYCLE MESSAGES ARE PENETRATING THE
31 PRIVATE SECTOR. WRAP ITSELF IS GROWING IN STATEWIDE
32 RECOGNITION, THANKS IN NO SMALL PART TO WINNERS PROUDLY
33 DISPLAYING THE WRAP LOGO, SUCH AS TWO-TIME WINNER PAC BELL
34 ON THE BACK OF ITS PHONE DIRECTORIES.

35 SOME OF YOU MAY HAVE NOTED AN ARTICLE ON THE
36 FRONT PAGE OF SACRAMENTO'S LOCAL PAPER TODAY THAT REFERRED
37 TO SACRAMENTO COUNTY GOING ELECTRONIC WITH MANY OF THEIR
38 COURT RECORDS. I REPORTED TO YOU SEVERAL MONTHS AGO THAT WE
39 WOULD ALSO BE SOON GOING ELECTRONIC WITH OUR BOARD AGENDA
40 WEB DOCUMENT SYSTEM. I AM PLEASED TO ANNOUNCE THAT THE
41 COMPLETE DEVELOPMENT OF THIS SYSTEM HAS BEEN COORDINATE
42 THROUGH OUR INFORMATION MANAGEMENT BRANCH, AND IS NOW IN THE
43 TESTING, FINAL TESTING PHASES, WHICH WE'VE BEEN CONDUCTING
44 OVER THE PAST SEVERAL MONTHS. WE'RE USING A CROSS SECTION
45 OF THE BOARD'S REGULATED CUSTOMER BASE, IF YOU WILL, TO GIVE
46 US FEEDBACK ON HOW THE SYSTEM IS WORKING. ESSENTIALLY, AT
47 THIS POINT, WE ANTICIPATE ROLLING THIS OUT IN EARLY APRIL
48 VIA THE BOARD'S EXTERNAL WEB SITE.

49 AND, FINALLY, I'D LIKE TO UPDATE OUR MEMBERS
50 AND THE AUDIENCE ON OUR IMPLEMENTATION OF SB 675. SB 675
51 PASSED IN OCTOBER OF 1997, AND REQUIRED THE BOARD TO
52 FACILITATE A WORK GROUP TO DEVELOP RECOMMENDATIONS BY APRIL

1 1ST OF THIS YEAR. THE WORK GROUP MUST MAKE RECOMMENDATIONS
2 ON ODOR MEASUREMENT AND THRESHOLDS, COMPLAINT RESPONSE
3 PROCEDURES, AND ENFORCEMENT TOOLS. ALSO, THEY MAY TAKE ANY
4 OTHER ACTION NECESSARY TO ENSURE ENFORCEMENT AGENCIES
5 RESPOND IN A TIMELY AND EFFECTIVE MANNER TO COMPLAINTS OF
6 ODORS EMANATING FROM COMPOSTING FACILITIES.

7 SB 675 FURTHER REQUIRES THE BOARD TO
8 IMPLEMENT THOSE RECOMMENDATIONS FOUND BY THE BOARD TO BE
9 FEASIBLE. THE IMPLEMENTATION FOR FEASIBLE RECOMMENDATIONS
10 IS GIVEN AS JANUARY 1ST, 2000, IN THE BILL.

11 THE WORK GROUP WILL MEET IN ITS FINAL SETTING
12 ON MARCH 24TH OF THIS YEAR TO FINALIZE THE RECOMMENDATIONS
13 AND TRANSMIT THEM TO THE BOARD PRIOR TO APRIL 1ST, 1999.

14 ALSO, INDUSTRY HAS EXPRESSED AN INTEREST IN
15 BEING INVOLVED IN THE PROCESS. AND THAT LEADS, MR. CHAIRMAN
16 AND MEMBERS, TO ANY THOUGHTS YOU MAY HAVE ON HOW YOU WOULD
17 LIKE TO SEE INDUSTRY'S INPUT COORDINATED INTO THIS PROCESS
18 AS WE MOVE FORWARD.

19 AND THAT CONCLUDES YOUR REPORT, OR MY REPORT,
20 AND THANK YOU.

21 CHAIRMAN EATON: ANY QUESTIONS FOR MR. CHANDLER?

22 AND AGAIN, I APOLOGIZE FOR THAT.

23 WITH REGARD TO THE SB 675, IT'S MY
24 UNDERSTANDING THAT THAT REPORT, EVEN THOUGH IT WAS DUE TO
25 THE BOARD AS RECOMMENDATIONS BY APRIL 1ST, THAT WE AS A BODY
26 HAVE UNTIL JANUARY 1ST I UNDERSTAND IN WHICH TO MAKE OUR
27 FINAL RECOMMENDATIONS TO THE LEGISLATURE PER THE STATUTORY
28 GUIDELINES SET BY THERE.

29 MR. CHANDLER: THAT'S CORRECT.

30 CHAIRMAN EATON: WITHOUT ANY OBJECTION, I WOULD
31 LIKE PERHAPS MAYBE FOR YOU TO CALENDAR SOMETIME IN THIS
32 SUMMER TO BEGIN THE PROCESS OF WORKSHOPS OR WHATEVER
33 RECOMMENDATIONS STAFF MAY HAVE FOR BRINGING THIS FORWARD
34 WITH THE INTERESTED PARTIES, SO THAT WE CAN AT LEAST BEGIN
35 TO SERIOUSLY DELIBERATE THAT ITEM COME FALL, AND MEET OUR
36 STATUTORY OBLIGATION.

37 THIS WAS ONE OF THE -- BOARD MEMBERS, JUST SO
38 YOU KNOW, THE REASON WHY THIS PROCESS IS SORT OF CONVOLUTED
39 IS THAT NORMALLY THERE'S A PROCESS BY WHICH A TASK FORCE IS
40 FORMED AND STAKEHOLDERS BEGIN. THIS WAS A PRETTY ODD
41 STATUTORY DRAFTING SITUATION, WHEREIN THE STAKEHOLDERS WOULD
42 NORMALLY BE ABLE TO PARTICIPATE, IT WAS CONCLUDED THAT THEY
43 WERE -- RIGHTLY OR WRONGLY, AND I DON'T MAKE ANY VALUE
44 JUDGEMENT AS TO THE WAY THE STATUTE WAS WRITTEN -- EXCLUDED
45 FROM PARTICIPATING IN THE TASK FORCE, WHICH IS KIND OF AN
46 ODD THING, IS THE WAY -- IF YOU'VE BEEN -- DEALT WITH
47 LEGISLATION.

48 SO, I THINK WHAT THEY INTENDED WAS THAT THEY
49 WOULD COME UP WITH SOME RECOMMENDATIONS, AND THEN IN THE
50 NEXT SIX MONTHS THE BOARD, AS WELL AS THE STAKEHOLDERS,
51 WOULD BE ABLE TO MAKE THOSE KINDS OF PUBLIC COMMENTS AND
52 DELIBERATIONS. AND SO, THEREFORE, WE FIND OURSELVES IN THAT

1 POSITION.

2 SO I DON'T THINK THAT WE SHOULD FEEL RUSHED,
3 BUT I DO WANT TO SAY THAT WE WILL BE RECEIVING THAT INPUT
4 FROM THE STAKEHOLDERS AS WELL AS THE BOARD MEMBERS AS WE GO
5 THROUGH. SO THAT WAS -- FOR THOSE REASONS WE SORT OF HAVE A
6 CONVOLUTED PROCESS.

7 MR. CHANDLER: VERY GOOD. WE WILL TRANSMIT, THEN,
8 OUR DRAFT RECOMMENDATIONS AND THEN SCHEDULE SOME WORKSHOPS,
9 AS YOU SUGGESTED LATER THIS SUMMER. THANK YOU.

10 VI. CONSENT AGENDA

11 AGENDA ITEM NO. 1: CONSIDERATION OF APPROVAL OF THE
12 ADOPTION OF A CONSENT CALENDAR

13 CHAIRMAN EATON: NOW I BELIEVE WE CAN MOVE TO THE
14 FIRST ITEM, WHICH IS CONSIDERATION OF APPROVAL OF THE
15 ADOPTION OF A CONSENT CALENDAR. THIS, AS YOU REMEMBER, LAST
16 MONTH WE TRIED A PROCESS OUT, THIS IS ACTUALLY BRINGING THE
17 ITEM BACK SO WE CAN SET UP THE PROCEDURE.

18 AND MY UNDERSTANDING IS THE LEGAL
19 DEPARTMENT'S GOING TO MAKE THE PRESENTATION. MS. MARIE
20 CARTER, WELCOME.

21 MS. CARTER: THANK YOU. GOOD MORNING CHAIRMAN
22 EATON AND BOARD MEMBERS. I'M PRESENTING FOR YOUR
23 CONSIDERATION TODAY A GENERAL PROCEDURE FOR USE BY ALL BOARD
24 DIVISIONS AND OFFICES OF A CONSENT CALENDAR FOR BOARD AGENDA
25 ITEMS OF A ROUTINE AND NON-CONTROVERSIAL NATURE.

26 THIS PROCEDURE RETAINS FOR THE BOARD MEMBERS
27 THE ABILITY TO PULL AN ITEM FROM CONSENT FOR ADDITIONAL
28 INFORMATION AND DISCUSSION. CURRENTLY THERE'S NO METHOD TO
29 PUT AN ITEM ON THE CONSENT CALENDAR.

30 IN THE PAST THE BOARD HAS SUCCESSFULLY USED A
31 CONSENT CALENDAR. PURSUANT TO BOARD APPROVAL IN JUNE, 1994,
32 AND UNTIL THE ELIMINATION OF THE COMMITTEE STRUCTURE A
33 CONSENT CALENDAR WAS UTILIZED FOR THE PRESENTATION AND
34 REVIEW OF QUALIFIED, TIME-SENSITIVE, INTEGRATED WASTE
35 MANAGEMENT PLAN ELEMENTS.

36 BRIEFLY, THAT PROCEDURE STARTED AT COMMITTEE
37 LEVEL WHERE ELEMENTS QUALIFYING FOR STAFF-RECOMMENDED
38 APPROVAL WERE INCLUDED ON THE COMMITTEE CONSENT CALENDAR.
39 THE ITEM WAS PRESENTED IN AN AGENDA ITEM FORMAT THAT
40 INCLUDED A BACKGROUND, AN ANALYSIS OF THE LEGAL ADEQUACY OF
41 THE ELEMENTS, AND DETAILED REASONS FOR THE RECOMMENDED
42 ACTION. AT THE COMMITTEE MEETING THE MEMBERS COULD PULL ANY
43 CONSENT ITEM FOR FURTHER DISCUSSION. THEREAFTER, QUALIFIED
44 ITEMS WERE RECOMMENDED BY THE COMMITTEE FOR INCLUSION ON THE
45 BOARD'S CONSENT CALENDAR. ALL OTHER ITEMS WERE PLACED ON
46 THE BOARD'S REGULAR CALENDAR.

47 AT THE BEGINNING OF THE BOARD MEETING THE
48 CHAIR CALLS FOR APPROVAL OF DISAPPROVAL OF CONSENT ITEMS.
49 APPROVED ITEMS WERE VOTED ON WITHOUT DISCUSSION. IF A BOARD
50 MEMBER OR A MEMBER OF THE PUBLIC REQUESTS DISCUSSION OF A
51 PARTICULAR ITEM IT WAS WITHDRAWN AND PRESENTED IN THE
52 REGULAR AGENDA. THIS USE OF THE CONSENT CALENDAR RESULTED

1 IN CONSIDERABLE SAVINGS IN THE TIME OF PRESENTATION, REVIEW
2 AND APPROVAL OF QUALIFIED ITEMS WITHOUT COMPROMISING THE
3 BOARD'S ABILITY TO REQUEST AND RECEIVE ADDITIONAL
4 INFORMATION AND DISCUSSION ON ANY ITEM. THE PROCEDURE WAS
5 DISCONTINUED WITH THE ELIMINATION OF THE COMMITTEE SYSTEM.

6 OUR PROPOSAL IS AS FOLLOWS. USE OF THE
7 CONSENT CALENDAR WOULD BE LIMITED TO MATTERS OF A ROUTINE
8 AND NON-CONTROVERSIAL NATURE. TO QUALIFY AS ROUTINE AND
9 NON-CONTROVERSIAL A MATTER MUST MEET ALL OF THE FOLLOWING
10 CRITERIA: THE ITEM IS NOT EXPECTED TO REQUIRE OR GENERATE
11 DISCUSSION AT THE BOARD MEETING; THE ITEM IS NOT KNOWN OR
12 EXPECTED TO BE CONTROVERSIAL; THE ITEM DOES NOT ESTABLISH A
13 PRECEDENT.

14 THE PROCEDURE TO PLACE AN ITEM ON THE CONSENT
15 CALENDAR IS AS FOLLOWS:

16 ONE, STAFF IDENTIFIES THE ITEM AS MEETING ALL
17 CRITERIA FOR ROUTINE AND NON-CONTROVERSIAL;

18 STAFF SUBMITS TO THE SUPERVISOR A DETAILED
19 ANALYSIS OF THE ITEM AS IT RELATES TO THE CRITERIA;

20 FOR NUMBER THREE PLEASE NOTE AS TO THIS STEP
21 IN YOUR WRITTEN MATERIALS. AS A RESULT OF STAFF BRIEFING
22 THE FOLLOWING LANGUAGE IS SUBSTITUTED: "UPON APPROVAL BY
23 THE SUPERVISOR, THE ITEM AND ANALYSIS IS FORWARDED THROUGH
24 THE DEPUTY DIRECTOR TO THE EXECUTIVE DIRECTOR."

25 STEP FOUR, ALL ITEMS PLACED ON CONSENT
26 CALENDAR MUST INCLUDE A STATEMENT THAT THE QUALIFYING
27 CRITERIA ARE MET; MUST DETAIL REASONS SUPPORTING THE
28 REQUEST; MUST DETAIL REASONS FOR THE STAFF'S RECOMMENDED
29 ACTION ON THE ITEM; AND, MUST BE PRESENTED IN A COMPLETE
30 AGENDA PACKAGE PREPARED AND DISTRIBUTED IN A TIMELY MANNER.

31 AT THE BEGINNING OF THE BOARD MEETING, UPON
32 CALL FOR APPROVAL OR WITHDRAWAL BY THE CHAIR, ANY ITEM COULD
33 BE WITHDRAWN IF A BOARD MEMBER REQUESTS DISCUSSION. A
34 WITHDRAWN ITEM WOULD BE PLACED ON THE BOARD'S REGULAR
35 CALENDAR. ITEMS REMAINING ON CONSENT WOULD BE VOTED WITHOUT
36 DISCUSSION.

37 IN CONCLUSION, USE OF THE CONSENT CALENDAR
38 HAS PROVEN TIME- AND COST-EFFECTIVE. IMPLEMENTATION OF THE
39 GENERAL CONSENT CALENDAR PROCEDURE FOR QUALIFIED ITEMS OF A
40 ROUTINE AND NON-CONTROVERSIAL NATURE WOULD RESULT IN A
41 REDUCTION OF STAFF PREPARATION AND PRESENTATION TIME, AND
42 BOARD HEARING TIME, WITHOUT COMPROMISING THE BOARD'S ABILITY
43 TO DISCUSS AN ITEM FURTHER.

44 I'D BE HAPPY TO ENTERTAIN ANY QUESTIONS.

45 CHAIRMAN EATON: ANY QUESTIONS? MR. JONES? MR.
46 PENNINGTON?

47 MEMBER PENNINGTON: I WAS JUST CURIOUS ABOUT THE
48 PHRASE "DISTRIBUTED IN A TIMELY MANNER." DO WE HAVE SOME
49 SENSE OF WILL WE BE WITHIN THE 10-DAY PERIOD, NOTICE PERIOD?

50 MS. CARTER: ALL ITEMS WOULD BE TREATED AS REGULAR
51 AGENDA ITEMS AND WOULD BE PUT ON THE AGENDA WHICH IS
52 PUBLISHED, AS SET FORTH BY THE DETERMINING COMMITTEE.

1 MEMBER PENNINGTON: OKAY, FINE. I DON'T HAVE ANY
2 PROBLEM WITH THIS, I THINK WE NEED A CONSENT CALENDAR.
3 CHAIRMAN EATON: AND IF YOU REMEMBER, DURING THE
4 DISCUSSION LAST MONTH WE TALKED ABOUT TRYING TO AT LEAST GET
5 IT DISTRIBUTED A MINIMUM OF SEVEN DAYS --
6 MEMBER PENNINGTON: RIGHT.
7 CHAIRMAN EATON: -- AHEAD, BOTH TO THE BOARD AND
8 THE PUBLIC. AND WE'LL JUST SEE HOW IT GOES, AND IF WE NEED
9 ANY CHANGES IN THE FUTURE WE'LL DO THAT ACCORDINGLY.
10 MR. JONES.
11 MEMBER JONES: MR. CHAIRMAN, I JUST HAD A COUPLE
12 QUESTIONS.
13 IT'S GONE FROM THE SUPERVISOR TO A DEPUTY
14 DIRECTOR IN CHARGE OF THAT DIVISION?
15 MS. CARTER: YES.
16 MEMBER JONES: ALL RIGHT. THEN WHEN DOES IT GET
17 TO -- OR, DOES IT GET TO THE EXECUTIVE DIRECTOR?
18 MS. CARTER: YES. YES, THAT'S --
19 MEMBER JONES: BUT THAT'S NOT IN --
20 MS. CARTER: I'M SORRY, THAT WAS A REVISION THAT
21 WAS MADE AFTER THAT WRITTEN AGENDA ITEM WAS PREPARED. THE
22 REVISED STEP WOULD BE THAT IT WOULD BE APPROVED BY THE
23 SUPERVISOR, THE ITEM AND ANALYSIS WOULD BE FORWARDED THROUGH
24 THE DEPUTY DIRECTOR TO THE EXECUTIVE DIRECTOR. AND IF
25 APPROVED THERE THE ITEM WOULD QUALIFY FOR THE CONSENT
26 CALENDAR.
27 MEMBER JONES: OKAY.
28 CHAIRMAN EATON: CAN I HAVE A MOTION?
29 MEMBER PENNINGTON: SURE. I'LL MOVE ADOPTION OF
30 THE CONSENT CALENDAR -- WHAT HAVE WE GOT --
31 CHAIRMAN EATON: AGENDA ITEM.
32 MEMBER PENNINGTON: RIGHT. WE'VE GOT A RESOLUTION
33 HERE. I'LL MOVE THE ADOPTION OF RESOLUTION 1999-41.
34 MEMBER JONES: I'LL SECOND.
35 CHAIRMAN EATON: ALL RIGHTY. I HAVE A MOTION AND
36 A SECOND REGARDING THE RESOLUTION 1999-41, REGARDING THE
37 ADOPTION OF A CONSENT CALENDAR.
38 MADAM SECRETARY, WILL YOU PLEASE CALL THE
39 ROLL?
40 THE SECRETARY: BOARD MEMBERS JONES?
41 MEMBER JONES: YES.
42 THE SECRETARY: PENNINGTON?
43 MEMBER PENNINGTON: AYE.
44 THE SECRETARY: ROBERTI?
45 MEMBER ROBERTI: AYE.
46 THE SECRETARY: CHAIRMAN EATON?
47 CHAIRMAN EATON: AYE.
48 THE MOTION PASSES.
49 MS. CARTER: THANK YOU.
50 AGENDA ITEM NO. 2: CONSIDERATION OF APPROVAL OF CONSENT
51 AGENDA ITEMS
52 CHAIRMAN EATON: THE NEXT ITEM IS THE ACTUAL

1 CONSENT CALENDAR. PROCESS-WISE WHAT I WOULD LIKE TO BE ABLE
2 TO DO IS -- ON THIS ITEM IS GO OVER THE ITEMS THAT HAVE BEEN
3 RECOMMENDED FOR CONSENT. ONCE I HAVE PUT THOSE FORTH ON THE
4 RECORD THEN, OBVIOUSLY, ANY OF THE BOARD MEMBERS WHO DESIRE
5 TO HAVE ANY OF THE ITEMS REMOVED FROM THE CONSENT CALENDAR,
6 WE CAN DO SO AT THAT TIME. AND THEN WE WILL FINALIZE THE
7 ACTUAL ADOPTION OF THE CONSENT CALENDAR, LESS THOSE THAT MAY
8 HAVE BEEN PULLED.

9 THIS MORNING THE FOLLOWING ITEMS HAVE BEEN
10 RECOMMENDED AND, THEREFORE, PLACED FOR YOUR CONSIDERATION ON
11 THE CONSENT CALENDAR. ITEMS 15, 17, 18, 19, 20, 21, 22, 23,
12 24, 28, 31, AND 33.

13 HAVING SAID THE PROPOSED CONSENT CALENDAR, DO
14 ANY OF THE MEMBERS WISH TO HAVE ANY OF THE ITEMS REMOVED
15 FROM THE CONSENT CALENDAR?

16 CHAIRMAN EATON: MR. PENNINGTON.

17 MEMBER ROBERTI: ITEM 33.

18 MEMBER PENNINGTON: MR. CHAIRMAN, I WAS JUST
19 LOOKING UNDER ITEM --

20 CHAIRMAN EATON: OKAY. FOR NOW --

21 MEMBER PENNINGTON: I'M SORRY.

22 CHAIRMAN EATON: -- I'LL GO TO SENATOR ROBERTI,
23 AND IF YOU ARE GOING TO LOOK THROUGH --

24 MEMBER PENNINGTON: SURE. SURE.

25 CHAIRMAN EATON: SENATOR ROBERTI, ITEM NO. 33 YOU
26 WISH TO HAVE REMOVED? OKAY, ITEM 33 WILL BE REMOVED FROM
27 THE CONSENT CALENDAR.

28 MEMBER PENNINGTON: ARE YOU READY FOR ME?

29 CHAIRMAN EATON: SURE, ABSOLUTELY.

30 MEMBER PENNINGTON: THANK YOU.

31 CHAIRMAN EATON: I'M ALWAYS READY.

32 MEMBER PENNINGTON: UNDER ITEM 15 THERE ARE
33 SEVERAL CATEGORIES --

34 CHAIRMAN EATON: CORRECT.

35 MEMBER PENNINGTON: -- AND I NOTICED "H," HAS THAT
36 BEEN PULLED?

37 CHAIRMAN EATON: NO, I WAS GOING TO WAIT TO SEE IF
38 -- YOU KNOW, IT WAS PROPOSED TO BE PULLED, BUT I THINK --
39 BUT IF YOU WOULD LIKE TO PULL IT --

40 MEMBER PENNINGTON: OKAY.

41 CHAIRMAN EATON: -- I THINK IF YOU DON'T, I WILL.

42 MEMBER PENNINGTON: WELL, I'M HERE SO I'LL DO IT
43 FOR YOU.

44 CHAIRMAN EATON: FIFTEEN-H, IT'S PULLED. THANK
45 YOU VERY MUCH.

46 MEMBER PENNINGTON: OKAY.

47 CHAIRMAN EATON: MR. JONES?

48 MEMBER JONES: TWENTY-ONE WAS ADDED TO THIS MEMO,
49 THIS IS THE SITING -- NON-DISPOSAL FACILITY ELEMENT ON THE
50 CITY OF SACRAMENTO.

51 CHAIRMAN EATON: CORRECT.

52 MEMBER JONES: OKAY. I'M ASSUMING THAT THERE IS

1 ONE WORD WRONG HERE, ON FLORIN-PERKINS?

2 CHAIRMAN EATON: ITEM 21 WAS PROPOSED --

3 (THE PARTIES SIMULTANEOUSLY SPEAK.)

4 CHAIRMAN EATON: -- AND THEN TO BE PULLED, AND
5 THEN TO BE COUPLED WITH THE ITEM THAT WE'RE FIRST GOING TO
6 HEAR IT AS NUMBER THREE, SO --

7 MEMBER JONES: ALL RIGHT, I'LL PULL IT.

8 CHAIRMAN EATON: OKAY. ITEM NO. 21 WILL BE
9 PULLED. AND WITHOUT OBJECTION, WITH REGARD TO ITEM 21,
10 BASED UPON THE STAFF'S RECOMMENDATION THAT THAT ITEM HAS TO
11 GO FORWARD PRIOR TO ANY CONSIDERATION OF ITEM NO. 3, WHICH
12 IS THE ACTUAL PERMIT, WE WILL HEAR THAT ITEM, ITEM NO. 21,
13 PRIOR TO ITEM 3, AND THAT WILL BE FIRST UP.

14 OKAY. LET ME THEN STATE FOR THE RECORD THE
15 PROPOSED CONSENT CALENDAR, LESS THOSE RECOMMENDATIONS AND
16 REQUESTS ON THE CONSENT CALENDAR -- THE PROPOSED CONSENT
17 CALENDAR FOR TODAY, MARCH 23RD, IS AS FOLLOWS: ITEMS NO.
18 15, WITH THE EXCEPTION OF "H"; ITEMS 17, 18, 19, 20, 22, 23,
19 24, 28, 31. CLOSE CONSENT CALENDAR.

20 ANY ADDITIONS? DO I HAVE A MOTION?

21 MEMBER JONES: MR. CHAIRMAN, I'LL MAKE A MOTION
22 THAT WE ADOPT THE CONSENT CALENDAR.

23 MEMBER PENNINGTON: SECOND.

24 CHAIRMAN EATON: I HAVE A MOTION AND A SECOND WITH
25 REGARD TO THE ADOPTION OF THE CONSENT CALENDAR.

26 MADAM SECRETARY, PLEASE CALL THE ROLL.

27 THE SECRETARY: BOARD MEMBERS JONES?

28 MEMBER JONES: AYE.

29 THE SECRETARY: PENNINGTON?

30 MEMBER PENNINGTON: AYE.

31 THE SECRETARY: ROBERTI?

32 MEMBER ROBERTI: AYE.

33 THE SECRETARY: CHAIRMAN EATON?

34 CHAIRMAN EATON: AYE.

35 NOW WITH REGARD TO ITEM NO. 15, AS ON THE
36 CONSENT CALENDAR, THE FOLLOWING JURISDICTIONS ARE TO BE
37 INCLUDED IN THAT ITEM. FRESNO COUNTY: CLOVIS, FOWLER,
38 MENDOTA, PARLIER. "B," GLEN COUNTY: GLEN REGIONAL AGENCY.
39 IMPERIAL COUNTY: EL CENTRO AND IMPERIAL. LOS ANGELES
40 COUNTY: EL SEGUNDO. SACRAMENTO COUNTY: SACRAMENTO. SAN
41 BERNARDINO COUNTY: BARSTOW. SAN DIEGO COUNTY: ENCINITAS.
42 AND VENTURA COUNTY: OJAI.

43 VII. NEW BUSINESS AGENDA ITEMS

44 AGENDA ITEM NO. 21: CONSIDERATION OF STAFF RECOMMENDATION
45 ON THE ADEQUACY OF THE REVISED NON-DISPOSAL FACILITY ELEMENT
46 FOR THE CITY OF SACRAMENTO

47 CHAIRMAN EATON: NOW WE'LL MOVE TO THE NEXT ITEM,
48 WHICH WOULD NORMALLY BE ITEM NO. 3 BUT, GIVEN MR. JONES'
49 PREVIOUS MOTION, WE WILL MOVE TO ITEM NO. 21, OUT OF ORDER.

50 MEMBER JONES: CAN I ASK A QUESTION, MR. CHAIRMAN?

51 CHAIRMAN EATON: MR. JONES.

52 MEMBER JONES: JUST SINCE WE'RE GOING BACK THROUGH

1 THE CONSENT ISSUES THAT WE'RE DEVELOPING HERE, I JUST HAD --
2 MY QUESTION WOULD BE, IF WE PULL ITEMS OFF THE AGENDA, OFF
3 THE CONSENT CALENDAR, ARE WE GOING TO HEAR THOSE RIGHT AWAY,
4 BECAUSE THEY MAY JUST BE ADMINISTERIAL TYPE ISSUES, OR ARE
5 WE GOING TO PLAY IT BY EAR?

6 BECAUSE ON 21, MY ONLY ISSUE WAS THAT IT WAS
7 WRITTEN UP THAT FLORIN-PERKINS LANDFILL IS PLANNING AN
8 EXPANSION OF ITS CURRENT LANDFILL PERMIT TO INCLUDE GREEN
9 WASTE, MATERIAL RECOVERY, AND A TRANSFER STATION, AND THAT
10 WOULD BE PART OF THE SITING ELEMENT NOT THE NON-DISPOSAL
11 FACILITY ELEMENT. THE IDEA THAT THEY'RE IDENTIFYING A MRF
12 IS PART OF THE NON-DISPOSAL FACILITY ELEMENT.

13 I JUST DON'T KNOW IF IT'S AS CLEAN AS IT
14 NEEDS TO BE, AND THAT WAS MY ONLY ISSUE. BECAUSE THIS IS A
15 NON -- I THINK THAT FLORIN-PERKINS OPERATES UNDER AN
16 EXEMPTION BECAUSE

17 IT'S SUPPOSED TO BE AN INERT LANDFILL. SO AS WE WORK
18 THROUGH THE REGS WE'VE GOT TO FIGURE OUT WHAT -- YOU KNOW,
19 WHERE THIS IS GOING TO SLOT
20 IN, AND WHETHER IT'S REGISTRATION OR, YOU KNOW, WHAT
21 APPROPRIATE TIER AN INERT LANDFILL IS
22 GOING TO FALL UNDER. BUT IT WOULDN'T BE UNDER NON-DISPOSAL
23 FACILITY ELEMENT DISCUSSIONS.

24 CHAIRMAN EATON: CORRECT.

25 MEMBER JONES: SO THAT WAS MY ONLY -- IT WAS JUST
26 ADMINISTERIAL.

27 CHAIRMAN EATON: WELL, MR. JONES, YOU'VE ASKED A
28 COUPLE OF QUESTIONS, SO LET ME SEE IF I CAN'T ANSWER THEM
29 ONE AT A TIME.

30 WITH REGARD TO THE ACTUAL ORDER ONCE AN ITEM
31 IS TAKEN OFF THE CONSENT CALENDAR, I THINK WITH RARE
32 EXCEPTION IT SHOULD GO BACK TO ITS ORIGINAL PLACEMENT, I.E.
33 IF IT WAS NUMBER SEVEN THEN IT WOULD GO BACK TO SEVEN, IF
34 IT'S NUMBER NINE IT GOES BACK TO NINE.

35 WITH REGARD TO THE CURRENT ITEM THAT'S BEFORE
36 US, WITH REGARD TO ITEM NO. 21, IN ADDITION TO YOUR OWN
37 CONCERNS, MY UNDERSTANDING IS, BASED ON MY STAFF BRIEFING
38 AND FROM STAFF, THAT IN ORDER FOR THIS ITEM TO BE CONSIDERED
39 AS A PERMIT WE HAVE TO ADOPT THE AMENDED SRRE. SO,
40 THEREFORE, IT'S MORE OF PROCEDURAL REASON BY WHICH WE HAVE
41 TO ADOPT ITEM 21, AS OPPOSED TO ADMINISTERIAL, SO IT'S MORE
42 PROCEDURAL. SO, THEREFORE, GIVEN THAT EXTRAORDINARY
43 CIRCUMSTANCE, THAT IT'S A PROCEDURAL ITEM THAT MUST TAKE
44 PLACE, THEREFORE, IT CAN THEN -- THEREFORE, I THINK UNDER
45 OUR REGULAR POLICY, BE TAKEN OUT OF ORDER.

46 DOES THAT HELP?

47 MEMBER JONES: THAT WORKS.

48 CHAIRMAN EATON: ALL RIGHT. PLEASE, STATE YOUR
49 NAME FOR THE RECORD AND --

50 MR. SORELLE: I AM STEVE SORELLE WITH THE NORTH
51 SECTION OF THE OFFICE OF LOCAL ASSISTANCE. I'M GOING TO
52 INTRODUCE KYLE POGUE, WHO WILL COVER THE ISSUE BEFORE YOU.

1 AND THAT IS, IN FACT, CORRECT, THIS IS A PROCEDURAL SO IT
2 WOULD GO AHEAD OF THE PERMIT.

3 MR. POGUE: GOOD MORNING MR. CHAIRMAN AND BOARD
4 MEMBERS. MY NAME IS KYLE POGUE, I'M WITH THE OFFICE OF
5 LOCAL ASSISTANCE, NORTHERN SECTION. THE ITEM BEFORE YOU IS
6 THE CITY OF SACRAMENTO'S PROPOSAL TO REVISE ITS NON-DISPOSAL
7 FACILITY ELEMENT, NDFE, TO INCLUDE FIVE DIVERSION FACILITIES
8 EITHER NEWLY PLANNED OR REVISED FROM THEIR ORIGINAL NDFE AND
9 NDFE ADDENDUM. THREE OF THESE FACILITIES ARE NEWLY-PROPOSED
10 PROJECTS, AND TWO OF THESE ARE PLANNED EXPANSIONS OF
11 EXISTING FACILITIES.

12 STATUTE REQUIRES JURISDICTIONS SEEKING TO
13 ESTABLISH OR EXPAND A NON-DISPOSAL FACILITY, AFTER THE
14 COUNTY HAS A COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN
15 APPROVED BY THE BOARD, TO INCLUDE THE FACILITY'S DESCRIPTION
16 IN ITS NDFE. THEREFORE, THE COUNTY IS REVISING ITS NDFE TO
17 INCLUDE THE DESCRIPTIONS OF THESE FACILITIES.

18 THE CITY HAS MET THE STATUTORY REQUIREMENTS
19 FOR AMENDING AN NDFE. THEREFORE, STAFF RECOMMENDS THE
20 REVISED NDFE BE APPROVED AS SUBMITTED.

21 THAT CONCLUDES MY PRESENTATION. I WILL BE
22 HAPPY TO ANSWER ANY QUESTIONS. AND ADDITIONALLY, GARY VAN
23 DORST, THE SOLID WASTE PLANNING SUPERINTENDENT FROM THE CITY
24 OF SACRAMENTO, IS AVAILABLE IN THE AUDIENCE TO ANSWER ANY
25 QUESTIONS. THANK YOU.

26 CHAIRMAN EATON: ANY QUESTIONS? HEARING NONE,
27 I'LL ENTERTAIN A MOTION.

28 MEMBER ROBERTI: I'LL MOVE WHATEVER NUMBER THAT
29 WAS.

30 MEMBER JONES: 99-107.

31 CHAIRMAN EATON: NUMBER 21.

32 MEMBER ROBERTI: 99-107.

33 MEMBER JONES: I'LL SECOND.

34 CHAIRMAN EATON: OKAY. WE HAVE A MOTION ON ITEM
35 NUMBER 1999-107 BY ROBERTI, SECONDED BY JONES.

36 WITHOUT OBJECTION, SUBSTITUTE THE PREVIOUS
37 ROLL CALL ON THE CONSENT CALENDAR? HEARING NO OBJECTIONS,
38 THE PREVIOUS ROLL CALL IS SUBSTITUTED.

39 AGENDA ITEM NO. 3: CONSIDERATION OF A NEW SOLID WASTE
40 FACILITY PERMIT FOR THE SACRAMENTO RECYCLING AND TRANSFER
41 STATION, SACRAMENTO COUNTY

42 CHAIRMAN EATON: NOW BACK TO THE REGULAR ORDER OF
43 THINGS, ITEM NO. 3, CONSIDERATION FOR A NEW SOLID WASTE
44 PERMIT FOR THE SACRAMENTO RECYCLING AND TRANSFER STATION,
45 SACRAMENTO COUNTY.

46 MR. WHITEHILL: GOOD MORNING CHAIRMAN, BOARD
47 MEMBERS, MY NAME IS JOHN WHITEHILL. AND THIS ITEM IS FOR
48 THE CONSIDERATION OF A SOLID WASTE FACILITY PERMIT FOR THE
49 SACRAMENTO RECYCLING AND TRANSFER STATION.

50 THE PROPOSED TRANSFER STATION IS LOCATED TWO
51 AND A HALF MILES WEST OF THIS BOARD ROOM, NEAR THE
52 INTERSECTION OF FLORIN-PERKINS AND FRUITRIDGE ROADS, AND IT

1 WILL BE PERMITTED TO ACCEPT A MAXIMUM OF 1,500 TONS PER DAY.
2 THE OPERATOR HAS BEEN AWARDED THE CONTRACT TO
3 RECEIVE AND TRANSFER THE CITY OF SACRAMENTO'S WASTE STREAM.
4 THE CITY'S WASTE CURRENTLY GOES TO THE KIEFER ROAD LANDFILL
5 IN SACRAMENTO COUNTY, BUT IN THE FUTURE THE WASTE WILL BE
6 TRANSFERRED TO EITHER A SOLANO COUNTY LANDFILL OR TO THE
7 STATE OF NEVADA.

8 AFTER REVIEWING THE PROPOSED PERMIT AND
9 SUPPORTING DOCUMENTATION BOARD STAFF HAVE MADE THE FOLLOWING
10 REQUIRED FINDINGS: THE LEAD AGENCY HAS COMPLIED WITH THE
11 REQUIREMENTS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT BY
12 CERTIFYING AN ENVIRONMENTAL IMPACT REPORT; THE PROPOSED
13 PERMIT IS CONSISTENT WITH THE STANDARDS ADOPTED BY THE
14 BOARD; THE OPERATION OF THIS FACILITY IS NOW IDENTIFIED IN,
15 AND CONSISTENT WITH, THE APPROVED COUNTY INTEGRATED WASTE
16 MANAGEMENT PLAN AND NON-DISPOSAL FACILITY ELEMENT; THE
17 DESIGN AND OPERATION IS IN COMPLIANCE WITH STATE MINIMUM
18 STANDARDS FOR SOLID WASTE HANDLING AND DISPOSAL.

19 IN CONCLUSION, STAFF RECOMMEND THAT THE BOARD
20 ADOPT THE RESOLUTION NUMBERED 99-126, CONCURRING IN THE
21 ISSUANCE OF SOLID WASTE FACILITY PERMIT NO. 34-AA-0195.

22 THIS CONCLUDES MY PRESENTATION. BUT THE --
23 JIM CERMAK, REPRESENTING THE LEA, IS AT THE FRONT DESK TO
24 ANSWER QUESTIONS IF YOU HAVE ANY. AND ALSO SHAWN GUTTERSON,
25 REPRESENTING THE OPERATOR, HAS SLIDES AND ALSO A
26 PRESENTATION IN CASE YOU HAVE ANY QUESTIONS FOR THE OPERATOR
27 ALSO.

28 CHAIRMAN EATON: ANY QUESTIONS? I HAVE ONE FOR
29 THE CITY, IF THE CITY REPRESENTATIVE COULD COME FORWARD?

30 MR. VAN DORST: GARY VAN DORST WITH THE CITY OF
31 SACRAMENTO.

32 CHAIRMAN EATON: WELCOME. I WAS JUST WONDERING,
33 WHEN DOES IT LOOK LIKE THE CITY'S GOING TO MAKE ITS
34 DETERMINATION WHETHER OR NOT THEY WILL STAY IN STATE OR GO
35 OUT OF STATE WITH REGARD TO THEIR SOLID WASTE DISPOSAL
36 NEEDS?

37 MR. VAN DORST: THE CITY'S CONTRACT WITH BLT
38 ENTERPRISES SPECIFIES LANGUAGE IN THEIR SUBCONTRACT
39 AGREEMENT WITH THE LANDFILL, AND OUR CONTRACT ESSENTIALLY
40 REQUIRES THAT SUBCONTRACT TO BE IN PLACE WITH THE LANGUAGE
41 THAT WE REQUIRE BEFORE WASTE IS TRANSFERRED. AND SO WE
42 ANTICIPATE SEEING THAT SUBCONTRACT, AND FINALIZING THAT --
43 OR, BLT FINALIZING THAT WITHIN THE NEXT FOUR TO SIX WEEKS.

44 CHAIRMAN EATON: SO A RELATIVELY SHORT TIME --

45 MR. VAN DORST: YES, THAT'S CORRECT.

46 CHAIRMAN EATON: THANK YOU.

47 ALL RIGHT. ANY OTHER QUESTIONS? NO? I'LL
48 ENTERTAIN A MOTION.

49 MEMBER JONES: MR. CHAIRMAN, I'LL MAKE A MOTION
50 THAT WE ADOPT RESOLUTION 1999-126, CONSIDERATION OF THE
51 SOLID WASTE FACILITY PERMIT FOR THE SACRAMENTO RECYCLING AND
52 TRANSFER STATION IN SACRAMENTO COUNTY --

1 MEMBER ROBERTI: MR. CHAIRMAN?

2 CHAIRMAN EATON: SENATOR ROBERTI?

3 ONE MOMENT.

4 MEMBER ROBERTI: ON THE MOTION, BEFORE WE VOTE --
5 AND I GUESS I HAVE A QUESTION. WHAT IF THIS TRANSPORT TAKES
6 PLACE AND IT GOES OUT OF STATE, WHAT SERVICES WILL THEY BE
7 RECEIVING IN SACRAMENTO THAT THEY, IN EFFECT, WON'T BE
8 PAYING FOR ANYMORE? OR WOULD PAY -- PAYING LESS -- LESS
9 FOR?

10 SINCE I'M NEW, NEWER ON THE BOARD I'M A
11 LITTLE CONFUSED. I MEAN, IS THERE A WAY IN WHICH THE COUNTY
12 WOULD BE -- END UP PAYING THE SAME AMOUNT FOR THESE -- FOR
13 THE SERVICES THAT THEY RECEIVE? OR, IS IT A WAY OF SORT OF
14 HAVING YOUR CAKE AND EATING IT TOO? I DON'T KNOW, AND
15 I'M....

16 MR. CERMAK: JIM CERMAK WITH SACRAMENTO COUNTY
17 LEA, AND I THINK I CAN ANSWER THAT QUESTION FOR YOU. ABOUT
18 A YEAR AGO WE RESTRUCTURED OUR FUNDING FOR THE LEA. WE
19 BROKE IT DOWN INTO TWO ELEMENTS: DIRECT SERVICES THAT WE
20 PROVIDE, WHICH WOULD BE INSPECTIONS, THINGS OF THAT NATURE;
21 AND WE ALSO HAVE A REGIONAL CHARGE WHICH WOULD PAY FOR
22 NONSPECIFIC CHARGES, FOR INSTANCE WHAT I'M DOING HERE, AND
23 TRAINING, AND THINGS OF THAT NATURE, AND THAT'S BASED ON
24 TONNAGE.

25 AND WHAT WE DO IS, EVERY FACILITY THAT
26 OPERATES IN SACRAMENTO COUNTY, WE FIGURE OUT HOW MUCH OUR
27 COST IS FOR REGIONAL COSTS, AND THEN BASED ON THE AMOUNT OF
28 TONNAGE THAT A FACILITY HANDLES, THEY PAY FOR THOSE FEES.

29 NOW, ONE THING THAT WE DID DO WHEN WE SET UP
30 THIS SCHEME, IS THAT WE RECOGNIZED THAT SOME OF THE WASTE
31 MAY IN FACT BE GOING OUT OF SACRAMENTO COUNTY. SO EVEN
32 THOUGH THAT WASTE IS GOING OUT OF SACRAMENTO COUNTY, THEY
33 WILL STILL BE REQUIRED TO PAY FOR OUR SERVICES FOR THE
34 REGIONAL COSTS BECAUSE IT'S GOING TO SOMEPLACE THAT WE, AS
35 THE SACRAMENTO COUNTY LEA, DO NOT REGULATE. SO THAT TONNAGE
36 THAT'S GOING TO BE GOING OUT OF COUNTY, AND WE WILL -- THEY
37 WILL STILL HAVE TO PAY FOR THE SERVICES THAT WE RENDER TO
38 THAT FACILITY.

39 MEMBER ROBERTI: SO YOU'RE SAYING, IN EFFECT,
40 THERE REALLY ARE NO REGIONAL SERVICES. AND I WOULD, THEN,
41 TAKE IT THERE'S NO STATE SERVICES THAT THIS BOARD PERFORMS
42 IN WHICH COSTS WILL BE LOST BY --

43 MR. CERMAK: I CAN'T SPEAK FOR --

44 (THE PARTIES SIMULTANEOUSLY SPEAK.)

45 MR. CERMAK: I CAN'T SPEAK FOR THE BOARD. I CAN
46 SPEAK FOR SACRAMENTO COUNTY --

47 MEMBER ROBERTI: THAT'S FINE, THAT'S IMPORTANT.
48 THAT'S IMPORTANT.

49 MEMBER JONES: MR. CHAIRMAN?

50 MEMBER ROBERTI: YEAH, WHAT ABOUT --

51 CHAIRMAN EATON: MR. JONES?

52 MEMBER ROBERTI: -- THE BOARD?

1 MEMBER JONES: SENATOR ROBERTI, WE'VE HAD THREE
2 WORKSHOPS. IT'S CALLED -- WELL, IT HAS BEEN PHRASED THAT
3 "USE A TRAIN, LOSE A LOAN." BECAUSE THE ISSUE'S COME UP
4 TWICE ABOUT THE AMOUNT OF SERVICES THAT THE BOARD PROVIDES
5 LESS THAT LANDFILL COMPONENT. AND THAT'S ABOUT SIX PERCENT
6 OF THE \$1.34; AT ONE TIME I THINK IT WAS SIX, IT MAY HAVE
7 GONE TO SEVEN. AND IT'S GOING TO TAKE A LEGISLATIVE FIX TO
8 IDENTIFY A PLACE IN THE STREAM OF IT. RIGHT NOW ALL THOSE
9 FEES ARE COLLECTED AT THE LANDFILL. THEY'D HAVE TO BE MOVED
10 TO TRANSFER STATION --

11 (THE PARTIES SIMULTANEOUSLY SPEAK.)

12 MEMBER ROBERTI: -- WE CAN COLLECT --

13 MEMBER JONES: EXACTLY. BECAUSE WE ARE GOING TO
14 BE PROVIDING LEA -- WE'RE GOING TO BE PROVIDING GRANTS,
15 LOANS AND THOSE TYPES OF THINGS TO JURISDICTIONS. NAPA
16 COUNTY IS ONE THAT EXPORTS ALL ITS WASTE AND YET ALWAYS
17 COMES FORWARD FOR GRANTS.

18 MEMBER ROBERTI: SO THAT'S FOR BOARD SERVICES.
19 FOR THE LOCAL LEA THERE DOESN'T APPEAR TO BE A PROBLEM --

20 MEMBER JONES: ACTUALLY A COUPLE OF TIMES AND IT
21 WAS TACKED ON TO THE END OF '86, '88 AND UNFORTUNATELY THAT
22 WAS ONE OF THE ONES THAT WAS AFFECTED. SO I TESTIFIED
23 AGAINST IT AND IT DIDN'T GET TACKED ON.

24 (THE PARTIES SIMULTANEOUSLY SPEAK.)

25 MEMBER JONES: -- NOW WE'VE GOT TO FIGURE OUT A
26 WAY TO GET IT BACK ON. SO WE ARE GOING TO HAVE TO DO A --
27 HAVE TO FIGURE OUT --

28 (THE PARTIES SIMULTANEOUSLY SPEAK.)

29 MEMBER JONES: -- BOARD SERVICES. AND IT DIDN'T
30 GET TAGGED ON, NOW WE'VE GOT TO FIGURE OUT A WAY TO GET IT
31 BACK ON. SO WE ARE GOING TO HAVE TO DO A -- WE HAVE TO
32 FIGURE IT OUT.

33 MEMBER ROBERTI: WHAT IN EFFECT HAPPENS, AND I'M
34 SURE YOU ALL KNOW THIS AND I'M JUST LEARNING IT, IS THAT
35 EVERYBODY ELSE ENDS UP PROBABLY PAYING FOR, YOU KNOW, WHAT
36 IN THIS CASE THE COUNTY CAN'T ESCAPE, NOT JUST SACRAMENTO
37 COUNTY, IT'S ANYBODY WHO SENDS TRASH OUT OF STATE.

38 MEMBER JONES: WELL, THE OTHER THING, TOO, IS OUR
39 FEE BY LAW COULD GO TO \$1.40 A TON. IT'S AT \$1.34 BECAUSE
40 THE SAVINGS THAT MR. CHANDLER AND THIS BOARD CAME UP WITH.
41 BUT YOU'RE RIGHT, IF THAT BURDEN GETS SHARED BY FEWER AND
42 FEWER COMMUNITIES THEN IT'S EITHER GOING TO HAVE TO BE
43 INCREASED AND THEY'RE GOING TO BE PAYING FOR OTHER COUNTIES
44 TO GET THOSE LOANS AND GRANTS THAT THEY'RE NOT PAYING INTO
45 THE MIX ON.

46 I DON'T KNOW IF I SHOULD WITHDRAW MY MOTION,
47 OR IS THIS PART OF THE DISCUSSION, OR...?

48 CHAIRMAN EATON: WELL, I THINK JUST IN TERMS OF
49 THE -- THE EXPORT FEE IS JUST A LITTLE ADDITIONAL
50 INFORMATION. THEN ASSEMBLYWOMAN, NOW A SENATOR, BOWEN ALSO
51 HAD A BILL WITH REGARD TO THE EXPORT FEE LAST YEAR THAT
52 DIDN'T GO ANYWHERE. AND THERE'S A SUBJECT OF A NUMBER OF

1 WORKSHOPS HAS BEEN MENTIONED BEFORE, AND I THINK IT'S JUST
2 AN ISSUE WE'LL KEEP REVISITING WITH REGARD TO SOME OF THE
3 OTHER PROBLEMS, ESPECIALLY WEHREIN YOU HAVE A SITUATION
4 WHERE THERE ARE SOME REGIONAL AGENCIES.

5 SO WE HAVE SOME JOINT POWERS AUTHORITY THAT
6 YOU MAY HAVE SEEN COME PAST YOU DURING YOUR TENURE HERE, AND
7 THOSE BECOME EVEN STICKIER UNDER THE SITUATION BECAUSE THEN
8 YOU HAVE ONE BODY WHO BELONGS TO A GREATER BODY, AND HOW DO
9 YOU -- IF YOU WERE GOING TO USE ANY PUNITIVE MEASURES AT ALL
10 TO SAY YOU'RE NOT ELIGIBLE FOR A LOAN, YOU'RE NOT ELIGIBLE
11 FOR ANY OF THE BENEFITS THAT THE BOARD PROVIDES AND/OR THE
12 LEA, THAT STRUCTURE THAT SACRAMENTO COUNTY HAS, EACH
13 INDIVIDUALLY, IT BECOMES MORE OF A CONVOLUTED KIND OF
14 SITUATION. HOW CAN YOU PENALIZE ONE WHEN IT'S THE WHOLE.

15 AND SO THOSE KINDS OF THINGS WERE WORKED
16 THROUGH LAST YEAR, AND I THINK WITH NO RESOLUTION I THINK
17 IT'S SOMETHING THAT WE WILL PROBABLY HAVE TO GO THROUGH AND
18 DEAL WITH IT AS MORE AND MORE JURISDICTIONS DECIDE TO GO
19 THAT ROUTE THAT PERHAPS MAYBE NEW YORK HAS GONE. AND MAY
20 FIND THE SAME PROBLEM THERE.

21 MR. CHANDLER.

22 MR. CHANDLER: I THINK BOARD MEMBER JONES
23 SUMMARIZED IT VERY WELL, SENATOR. AND HE DID REFERENCE THE
24 FACT THAT THIS IS NOT AN ISSUE THAT HAS NOT BEEN VISITED BY
25 THE BOARD IN THE PAST.

26 AND WHAT I WILL DO IS, I WILL PROVIDE YOUR
27 OFFICES WITH THE BACKGROUND PAPERS THAT OUR POLICY OFFICE
28 HAS PREPARED IN THE PAST WHICH SHOWS MORE OR LESS A BREAKOUT
29 OF WHAT SERVICES ARE PROVIDED AT THE STATE LEVEL, AND THE
30 TREND OVER THE LAST SEVERAL YEARS AS TO THE AMOUNT OF WASTE
31 THAT IS BEING EXPORTED, WHAT PERCENTAGE OF THE TOTAL WASTE
32 STREAM THAT CONSTITUTES, AND WHAT SERVICES, IF YOU WILL, ARE
33 BEING CONTINUED TO BE ASKED FOR BY THOSE JURISDICTIONS, AND
34 PUT IT INTO SOME CONTEXT FOR YOU.

35 BUT IT IS, I THINK, A RELEVANT ISSUE.
36 OBVIOUSLY THE CITY AND TEH COUNTY HAVE TAKEN MEASURES TO
37 ENSURE THAT THEIR COSTS ARE APPROPRIATELY REFLECTED AT THE
38 LOCAL LEVEL, AND I THINK THE QUESTION'S STILL ON THE TABLE,
39 WHAT IS THE STATE'S RESPONSE IN THIS AREA GOING TO BE, AS
40 WELL.

41 THANK YOU.

42 CHAIRMAN EATON: AND HOPEFULL WE WILL HAVE DONE
43 OUR JOB AND DIVERTED MORE AND MORE MATERIAL, WHICH WILL MEAN
44 LESS AND LESS WILL BE ELIGIBLE FOR DISPOSAL AND, THEREFORE,
45 THE COSTS WILL BE SUBSTANTIVELY REDUCED. I MEAN, THAT
46 ULTIMATELY IS WHERE WE WANT TO BE.

47 AND I'M SORRY, MR. PENNINGTON.

48 MEMBER PENNINGTON: MR. CHAIRMAN, I WAS GOING TO
49 SECOND MR. JONES' MOTION.

50 BUT I'D ALSO LIKE TO SAY THAT I SEE THIS OUT-
51 OF-STATE ISSUE GREATER THAN JUST THE LOSS OF DOLLARS TO THE
52 BOARD. I THINK THAT EVENTUALLY IT WILL LEAD TO A CAPACITY

1 PROBLEM. I THINK THAT WHAT WE WILL FIND HAPPENING IS, IS
 2 THAT NEVADA AND ARIZONA WILL LOOK AT THIS ISSUE LIKE
 3 VIRGINIA AND PENNSYLVANIA ARE AT THIS PIONT. I THINK IT'S
 4 ONLY A MATTER OF TIME BEFORE SOME GROUP IN NEVADA OR ARIZONA
 5 SAYS, GEE, WE DON'T WANT L.A.'S GARBAGE IN OUR DESERT.

6 AND IN THAT TIME, DO WE LOSE THE CAPACITY --
 7 THAT IF THEY'RE FORCED TO NOT TAKE IT TO THESE
 8 JURISDICTIONS, HAVE WE LOST THE CAPACITY TO TAKE CARE OF OUR
 9 OWN PROBLEM?

10 SO I THINK IT'S A MAJOR PROBLEM THAT DOESN'T
 11 SEEM LIKE A MAJOR PROBLEM AT THIS PIONT BECAUSE THERE'S NOT
 12 THAT MUCH OF IT THAT'S GOING ON.

13 CHAIRMAN EATON: I COULDN'T AGREE MORE.

14 ALL RIGHT, BACK ON THE ORIGINAL MOTION, I
 15 THOUGHT I HEARD A SECOND BY MR. PENNINGTON. SO WE HAVE A
 16 MOTION BY MR. JONES, SECONDED BY MR. PENNINGTON, REGARDING
 17 RESOLUTION 1999-126 REGARDING A NEW SOLID WASTE FACILITIES
 18 PERMIT FOR THE SACRAMENTO RECYCLING AND TRANSFER STATION.

19 MADAM SECRETARY, WILL YOU PLEASE CALL THE
 20 ROLL?

21 THE SECRETARY: BOARD MEMBERS JONES?

22 MEMBER JONES: AYE.

23 THE SECRETARY: PENNINGTON?

24 MEMBER PENNINGTON: AYE.

25 THE SECRETARY: ROBERTI?

26 MEMBER ROBERTI: AYE.

27 THE SECRETARY: CHAIRMAN EATON?

28 CHAIRMAN EATON: AYE.

29 LADIES AND GENTLEMEN, BASED ON CONVERSATIONS
 30 WITH LEGAL COUNSEL, THERE ARE A COUPLE OF ITEMS ON TODAY'S
 31 AGENDA THAT NEED TO BE DISCUSSED IN REGARD TO PERHAPS
 32 POTENTIAL LITIGATION. SO AT THIS POINT WE'RE GOING TO TAKE
 33 A BREAK, HOPEFULLY NO MORE THAN 20 MINUTES, AND WE'LL
 34 RECONVENE AT 11 O'CLOCK, AND THE BOARD WILL GO INTO CLOSED
 35 SESSION REGARDING THOSE TWO AGENDA ITEMS.

36 (OFF THE RECORD; RECESS.)

37 AGENDA ITEM NO. 4: CONSIDERATION OF A STANDARDIZED COMPOST
 38 PERMIT FOR COLD CREEK COMPOST, INC., MENDOCINO COUNTY

39 CHAIRMAN EATON: THANK YOU FOR YOUR INDULGENCE,
 40 WE'LL NOW PROCEED WITH ITEM NO. 4, COLD CREEK COMPOST
 41 FACILITY'S APPLICATION FOR A STANDARDIZED COMPOST PERMIT.

42 MR. WHITEHILL: GOOD MORNING CHAIRMAN AND BOARD
 43 MEMBERS. THE NEXT ITEM IS, AS YOU SAID, FOR CONSIDERATION
 44 OF A STANDARDIZED COMPOST PERMIT FOR THE COLD CREEK COMPOST,
 45 INCORPORATED.

46 THIS COMPOST FACILITY IS LOCATED IN MENDOCINO
 47 COUNTY, 10 MILES NORTHEAST OF THE CITY OF UKIAH, AND ABOUT
 48 ONE MILE NORTHEAST OF THE INTERSECTION OF HIGHWAY 20 AND
 49 POTTER VALLEY ROAD.

50 THE OPERATOR USES THE WIND ROW (PHONETIC)
 51 METHOD TO COMPOST MUNICIPAL AND AGRICULTURAL GREEN MATERIAL
 52 SUCH AS YARD WASTE, TREE TRIMMINGS, GROCERY WASTE, WOOD

1 WASTE, GRAPE POMACE AND MANURE. THE OPERATOR HAD AT ONE
2 TIME ALSO PROPOSED ACCEPTING OTHER FEED STOCK SUCH AS
3 BIOSOLIDS, FISH WASTE, RESTAURANT WASTE AND STREET
4 SWEEPINGS. HOWEVER, THOSE FEED STOCKS ARE NOT ALLOWED BY
5 THE COUNTY USE PERMIT AND ARE NOT ALLOWED BY THE PROPOSED
6 STANDARDIZED PERMIT BEFORE YOUR CONSIDERATION TODAY.

7 THE FACILITY WAS ORIGINALLY ISSUED A FULL
8 SOLID WASTE FACILITIES PERMIT IN 1995, PRIOR TO THE
9 EFFECTIVE DATE OF THE BOARD'S REGULATORY TIERS. THE
10 FACILITY NOW QUALIFIES FOR A STANDARDIZED COMPOST PERMIT.

11 IN ADDITION, THE FOLLOWING CHANGES HAVE
12 OCCURRED OR ARE PROPOSED AT THE SITE.

13 THE 1995 FULL PERMIT ALLOWED A PEAK OF 400
14 TONS PER DAY AND AN AVERAGE OF 200 TONS PER DAY, HOWEVER,
15 THE PROPOSED STANDARDIZED PERMIT WOULD NOT CONDITION THE
16 DAILY TONNAGE BUT, RATHER, WOULD LIMIT THE AMOUNT OF COMPOST
17 ON SITE TO A MAXIMUM OF 35,900 CUBIC YARDS.

18 THERE ARE ADDITIONAL ENVIRONMENTAL CONTROLS
19 AND SITE IMPROVEMENTS WHICH HAVE BEEN IMPLEMENTED AS A
20 RESULT OF AN ENVIRONMENTAL IMPACT REPORT WHICH HAS SINCE
21 BEEN PREPARED, INCLUDING THE INSTALLATION OF THREE 22,000-
22 GALLON WATER TANKS FOR STORAGE OR COLLECTION OF FRESH WATER,
23 QUENCH (PHONETIC) WATER, COMPOST WATER AND COMPOST LEACHATE.

24 OPERATIONS ARE NOW ALLOWED OUTSIDE THE ROOF
25 PER THE WATER BOARD'S STORM WATER POLLUTION PREVENTION PLAN.
26 AND, ALSO, THE OPERATOR HAS SINCE ADDED AN AUXILIARY
27 STORAGE AREA.

28 THE BOARD HAS ONLY 30 DAYS TO CONSIDER A
29 STANDARDIZED PERMIT, SO AT THE TIME THAT THE AGENDA ITEM WAS
30 PREPARED THE PROPOSED PRICE HAD NOT YET BEEN REVIEWED FOR
31 CONSISTENCY. BOARD STAFF HAVE SINCE MADE THE FOLLOWING
32 REQUIRED FINDINGS.

33 STAFF HAVE SINCE CONFIRMED THAT FACILITY IS
34 IDENTIFIED IN THE NON-DISPOSAL FACILITY ELEMENT. IN
35 ADDITION, THE COUNTY'S INTEGRATED WASTE MANAGEMENT PLAN WAS
36 APPROVED BY THE BOARD AS PART OF THE CONSENT CALENDAR
37 EARLIER THIS MORNING.

38 THE FACILITY HAD ONE RECENT VIOLATION OF LOAD
39 CHECK RECORDS, HOWEVER, THE LEA AND THE OPERATOR HAVE SINCE
40 VERIFIED THAT THE RECORD-KEEPING PROCEDURES AT THIS FACILITY
41 HAVE SINCE BEEN UPGRADED AND THE FACILITY IS NOW IN
42 COMPLIANCE WITH THE LOAD CHECK RECORD KEEPING STANDARDS.

43 THE LEA AND BOARD STAFF HAVE ALSO SINCE
44 DETERMINED THAT THE REPORT OF COMPOST SITE INFORMATION IS
45 COMPLETE AND ADEQUATELY DESCRIBES THE FACILITY.

46 ALSO, THE LEA AND BOARD STAFF HAVE DETERMINED
47 THAT THE PROPOSED PERMIT IS CONSISTENT WITH AND SUPPORTED BY
48 THE ENVIRONMENTAL IMPACT REPORT THAT WAS APPROVED ON MAY
49 11TH, 1998. AND THE PERMIT IS CONSISTENT WITH STANDARDS
50 ADOPTED BY THE BOARD.

51 SO, IN CONCLUSION, AFTER REVIEWING THE
52 PROPOSED PERMIT AND SUPPORTING DOCUMENTATION WE FOUND THEM

1 TO BE ACCEPTABLE, STAFF RECOMMEND THAT THE BOARD ADOPT
2 RESOLUTION NO. 99-98, CONCURRING IN THE ISSUANCE OF
3 STANDARDIZED COMPOST PERMIT NO. 23-AA-0009 (SIC).

4 JOHN MORLEY, REPRESENTING THE LEA, IS SEATED
5 AT THE FRONT TABLE TO ANSWER ANY QUESTIONS YOU MIGHT HAVE,
6 AND ALSO REPRESENTATIVES OF THE OPERATOR ARE HERE TO ANSWER
7 QUESTIONS.

8 CHAIRMAN EATON: QUESTIONS, COMMENTS?

9 MEMBER JONES: WE DON'T HAVE ANY PUBLIC --

10 CHAIRMAN EATON: NO PUBLIC REQUEST FOR COMMENT.

11 MR. WHITEHILL: YEAH, THE ONLY PUBLIC COMMENT
12 RECEIVED RECENTLY WAS THE FAXED LETTER THAT YOU MENTIONED
13 THIS MORNING ADDRESSING THEIR CONCERNS.

14 MEMBER JONES: MR. CHAIRMAN?

15 CHAIRMAN EATON: YES, MR. JONES.

16 MEMBER JONES: I MAKE A MOTION THAT WE ADOPT
17 RESOLUTION 1999-98, CONSIDERATION OF THE NEW STANDARDIZED
18 SOLID WASTE FACILITY PERMIT FOR COLD CREEK COMPOST FACILITY
19 IN MENDOCINO COUNTY.

20 MEMBER PENNINGTON: I'LL SECOND THAT.

21 CHAIRMAN EATON: ALL RIGHT. WE HAVE A MOTION BY
22 MR. JONES, A SECOND BY MR. PENNINGTON, WITH REGARD TO
23 RESOLUTION 1999-98 RELATING TO THE COLD CREEK COMPOST
24 FACILITIES. IN KEEPING WITH THIS BEING A PERMIT I'D LIKE TO
25 JUST GET A ROLL CALL VOTE ON THE PERMIT SIDE.

26 MS. DOMINGUEZ, PLEASE CALL THE ROLL.

27 THE SECRETARY: BOARD MEMBERS JONES?

28 MEMBER JONES: AYE.

29 THE SECRETARY: PENNINGTON?

30 MEMBER PENNINGTON: AYE.

31 THE SECRETARY: ROBERTI?

32 MEMBER ROBERTI: AYE.

33 THE SECRETARY: CHAIRMAN EATON?

34 CHAIRMAN EATON: AYE.

35 MOTION PASSES.

36 AGENDA ITEM NO. 5: CONSIDERATION OF A REVISED SOLID WASTE
37 FACILITY PERMIT FOR EAST LOS ANGELES RECYCLING AND TRANSFER
38 STATION, LOS ANGELES COUNTY

39 CHAIRMAN EATON: ITEM NO. 5.

40 MR. MARCINIAK: GOOD MORNING CHAIRMAN EATON AND
41 BOARD MEMBERS, I'M BILL MARCINIAK, AND WILL BE PRESENTING
42 AGENDA ITEM NO. 5 TODAY, ALONG WITH BETTY MORRISON THERE,
43 THE LOS ANGELES COUNTY LOCAL ENFORCEMENT AGENCY. THE AGENDA
44 ITEM IS CONSIDERATION OF A REVISED SOLID WASTE FACILITY
45 PERMIT FOR THE EAST LOS ANGELES RECYCLING AND TRANSFER
46 STATION, LOS ANGELES COUNTY.

47 THE EAST LOS ANGELES RECYCLING AND TRANSFER
48 STATION IS LOCATED IN AN UNINCORPORATED PORTION OF LOS
49 ANGELES COUNTY, IN AN AREA KNOWN AS CITY TERRACE, AND IT'S
50 OWNED AND OPERATED BY PERDOMO/BLT ENTERPRISES. MR.
51 CHRISTOPHER MURRAY IS THE VICE PRESIDENT AND WILL BE IN
52 CHARGE OF SITE OPERATIONS.

1 THE PROPOSED PERMIT IS TO ALLOW THE INCREASE
2 IN MAXIMUM WASTE RECEIPT FROM 120 TO 350 TONS A DAY, AN
3 EXTENSION IN THE HOURS OF WASTE RECEIPT AND SITE OPERATIONS,
4 AND AN INCREASE IN THE ACREAGE AT THE FACILITY. THE
5 PROPOSED PERMIT WILL NO LONGER RESTRICT THE GENERAL PUBLIC
6 FROM USING THE FACILITY, OR RESTRICT VEHICLES OTHER THAN
7 THOSE OWNED AND OPERATED BY PERDOMO AND SONS.

8 THE LEA AND BOARD STAFF HAVE MADE THE
9 FOLLOWING FINDINGS. THE PROPOSED CHANGES AT THE FACILITY
10 ARE CONSISTENT WITH THE COUNTY'S GENERAL PLAN, AND THE
11 FACILITY IS IN CONFORMANCE WITH THE COUNTY'S SOLID WASTE
12 MANAGEMENT PLAN. THE PROPOSED PERMIT AND OPERATIONS
13 IDENTIFIED IN THE RSI ARE CONSISTENT WITH THE REQUIREMENTS
14 OF THE STATE MINIMUM STANDARD AND CEQA HAS BEEN COMPLIED
15 WITH. THE LEA HAS CERTIFIED THE APPLICATION PACKAGE AS
16 COMPLETE AND CORRECT. I HAVE ALSO REVIEWED THE PROPOSED
17 PERMIT AND SUPPORTING DOCUMENTATION AND FOUND THEM TO BE
18 ACCEPTABLE.

19 IN CONCLUSION, STAFF RECOMMEND THAT THE BOARD
20 ADOPT SOLID WASTE FACILITY PERMIT DECISION 99-87, CONCURRING
21 WITH THE ISSUANCE OF SOLID WASTE FACILITY PERMIT NO. 19-AA-
22 0845.

23 BETTY MORRISON, AS WELL AS MR. CHRISTOPHER
24 MURRAY AND MYSELF, ARE AVAILABLE TO ANSWER ANY QUESTIONS YOU
25 MIGHT HAVE.

26 CHAIRMAN EATON: ANY ADDITIONAL COMMENTS?

27 MS. MORRISON: I DON'T HAVE ANY COMMENTS.

28 CHAIRMAN EATON: BOARD MEMBERS? SENATOR ROBERTI.

29 MEMBER ROBERTI: YEAH. LAST FRIDAY, WITH MR.
30 MARCINIAK, I VISITED THE SITE. I DO HAVE A COUPLE OF
31 QUESTIONS.

32 ONE, I NOTICE THAT IN THE PERMIT -- I GUESS
33 WITHIN THE PURVIEW OF OUR AUTHORITY WE CAN VOTE BASED ON
34 WHETHER THE NUISANCE HAVE BEEN MITIGATED. I GUESS I'M
35 GENERALIZING WHAT THE RELEVANT STATUTE IS, BUT I NOTICED
36 THAT THE HOURS OF REDUCTION IN RECEIVING THE WASTE HAS BEEN
37 REDUCED BY, WHAT, ONE HOUR OR --

38 MS. MORRISON: TWO HOURS.

39 MEMBER ROBERTI: -- TWO HOURS ON EITHER END.
40 HOWEVER, THERE'S GOING TO BE WASTE RECEIVED ON SUNDAY. AND
41 I'M A LITTLE BIT CONCERNED BECAUSE THAT'S A RESIDENTIAL --
42 WELL, PART OF IT'S A RESIDENTIAL AREA.

43 MS. MORRISON: RIGHT.

44 MEMBER ROBERTI: THAT THERE'S NOT GOING TO BE ANY
45 PEACE ON SUNDAY FOR THESE PEOPLE. AND THE THROUGHWAY OVER
46 THE FREEWAY APPEARS THAT THEY COULD BE HAVING TRUCKS COMING
47 IN SEVEN DAYS A WEEK.

48 DID THE LEA GIVE CONSIDERATION TO THAT, OR
49 WHAT WAS THINKING OR THE REASONING --

50 MS. MORRISON: THE CUP ALLOWS THAT. AND,
51 ACTUALLY, THEY'RE NOT OPERATING SEVEN DAYS A WEEK.

52 MEMBER ROBERTI: WELL, I KNOW THEY'RE NOT

1 OPERATING NOW BUT THIS -- THEY WILL BE ALLOWED TO OPERATE
2 SEVEN DAYS. YOU'RE SAYING THAT THE CURRENT --
3 MS. MORRISON: THE CUP ALLOWS EVERY DAY OF THE
4 WEEK.
5 MEMBER ROBERTI: WELL, THEY WERE NOT OPERATING
6 SEVEN DAYS A WEEK.
7 MS. MORRISON: NO.
8 MEMBER ROBERTI: BUT YOU'RE SAYING THAT EVEN
9 THOUGH THEY WERE NOT OPERATING IN THE PAST THEY WERE
10 PERMITTED TO OPERATE FOR SEVEN DAYS A WEEK?
11 MS. MORRISON: I DON'T REMEMBER IF THEY WERE FOR
12 THE OTHER CUP, BUT THE CURRENT CUP ALLOWS IT, SO IT'S
13 PROBABLY THE SAME, BECAUSE THEY DID REDUCE THE HOURS. I
14 CAN'T REMEMBER IF THE OLD CUP ALLOWED SUNDAYS, BUT THEY
15 DIDN'T OPERATE ON SUNDAYS.
16 MEMBER ROBERTI: I KNOW THEY DID NOT OPERATE ON
17 SUNDAYS.
18 AND I WOULD BE INTERESTED, MR. CHAIRMAN, AS
19 TO WHETHER THE OLD CUP ALLOWED FOR SEVEN-DAY OPERATION.
20 MS. MORRISON: I DON'T THINK IT HAD ANY
21 RESTRICTION. JUST THE HOURS.
22 CHAIRMAN EATON: MR. DIER, CAN YOU SHED ANY LIGHT
23 TO HELP THE SENATOR OUT WITH REGARD TO HIS QUESTION?
24 MR. DIER: I'M NOT -- I WAS SORT OF QUERYING THE
25 LEA JUST TO CLARIFY THAT THE CURRENT CUP IN FACT DOES ALLOW
26 FOR THAT SEVEN-DAY-A-WEEK OPERATION.
27 MS. MORRISON: RIGHT. AND I BELIEVE THE OLD ONE
28 DOES TOO, BUT I'M NOT SURE. I BELIEVE IT JUST HAD THE
29 HOURS, 5:00 IN THE MORNING TILL 10:00 P.M., THE OLD CUP.
30 BUT PERDOMO CHOSE NOT TO OPERATE ON SUNDAYS.
31 CHAIRMAN EATON: I BELIEVE THE ANSWER IS THEY
32 DON'T KNOW FOR SURE.
33 MS. MORRISON: I DON'T THINK THERE IS ANY.
34 MR. DIER: WE DON'T KNOW WHAT THE PRIOR CUP --
35 MEMBER ROBERTI: SEE, IF WE'RE PERMITTING -- IF,
36 IN GRANTING THIS, WE'RE PERMITTING SEVEN DAYS, AND I DON'T
37 KNOW IF WE ARE, THEN IT DOESN'T STRIKE ME AS A MITIGATION.
38 WHATEVER DOES THAT MEAN? I THINK THAT'S PRETTY -- A
39 MITIGATION OF NOISE, ODOR, OR ANYTHING ELSE IF YOU'RE
40 ALLOWING IT ON SUNDAY. AND I THINK, THEREFORE, THAT'S
41 SOMETHING THAT THE BOARD CAN TAKE COGNIZANCE OF, BUT I DON'T
42 KNOW. IF THE OLD --
43 MR. MARCINIAK: MR. CHRISTOPHER MURRAY WOULD BE
44 HAPPY TO ADDRESS THE QUESTION IF --
45 MEMBER ROBERTI: YEAH, PLEASE.
46 MR. MURRAY: BOARD MEMBERS, IT'S AN HONOR TO BE
47 PRESENT HERE.
48 MR. ROBERT, I UNDERSTAND THAT YOU WERE IN THE
49 NEIGHBORHOOD LAST WEEK. AND AS YOU CAN SEE, IT IS AN
50 INTERESTING --
51 MEMBER ROBERTI: WHEN I WAS FIRST ELECTED TO THE
52 ASSEMBLY I REPRESENTED --

1 MR. MURRAY: OH, OKAY, AND THAT'S WHAT I
2 UNDERSTAND, TOO, SO IT'S NICE TO GET BACK TO THE
3 NEIGHBORHOOD.

4 JUST IN A QUICK REFERENCE, THE NEIGHBORHOOD
5 THERE, THE SURROUNDING LAND USES ARE ACTUALLY NOW CONSIDERED
6 NONCONFORMING LAND USES. THAT PARTICULAR AREA HAS BEEN
7 IDENTIFIED AS GOING INTO A INDUSTRIAL TO HEAVY INDUSTRIAL
8 USE, SO IT SEEMED APPROPRIATE AT THE TIME TO UTILIZE THE
9 FACILITY AS IT WAS UPGRADED --

10 MEMBER ROBERTI: YEAH, I'M NOT QUARRELING WITH
11 THAT, IF --

12 MR. MURRAY: NO, I -- UNDERSTOOD. AND THE INTENT
13 ACTUALLY OF THE SUNDAY RECEIVING IS REALLY SPECIFICALLY FOR
14 THE SELF-HAUL CUSTOMERS, THE LOCAL RESIDENTS, PER SE. WE'VE
15 DONE A LOT OF, IF YOU WILL, COMMUNITY OUTREACH AND
16 NEGOTIATIONS WITH THE REPRESENTATIVES OF THE NEIGHBORHOOD,
17 AS WELL AS THE REPRESENTATIVES OF THE SUPERVISORIAL
18 DISTRICT.

19 AND ONE OF THE ASPECTS -- WE DON'T ANTICIPATE
20 A LOT OF TRAFFIC THERE AND/OR A LOT OF MATERIAL COMING IN,
21 BUT IT IS A CONVENIENCE FACTOR FOR THE SELF-HAUL CUSTOMERS.
22 THAT'S THE ENTIRE INTENT OF THAT PARTICULAR --

23 MEMBER ROBERTI: YEAH, THE -- AND THAT'S A LITTLE
24 BIT -- I MEAN, IN MY MIND THAT STRIKES ME AS A LITTLE BIT OF
25 A PROBLEM. I'M THINKING OUT LOUD NOW. BECAUSE, AS I KNOW
26 THE CONFIGURATION OF THE PLACE, IT'S THE SELF-HAUL CUSTOMERS
27 THAT ARE GOING TO CAUSE THE RESIDENTS THE GREATER PROBLEM,
28 BECAUSE YOU AVOID THE FREEWAY. IF YOU WERE COMING IN FROM
29 THE FREEWAY, YOU COME IN FROM THE INDUSTRIAL AREA.

30 SO IF YOU'RE TAKING THIS MATERIAL IN FROM ALL
31 OF L.A. COUNTY YOU MAY NOT IMPACT THE RESIDENCES AS MUCH AS
32 YOU'LL IMPACT IF YOU USE THE SURFACE STREETS TO COME IN, IN
33 FRONT OF THEIR HOUSES, WITH THE SELF-HAULS, WHICH IS WHAT
34 THE SELF-HAULERS ARE GOING TO DO, BECAUSE THEY'RE THE
35 NEIGHBORHOOD.

36 SO I GUESS IN ANYTHING SOME STREETS ARE
37 EXPENDABLE, BUT I -- AND PICKING THIS AREA WHERE YOU
38 CURRENTLY ARE IS UNDERSTANDABLE WHY YOU'VE DONE IT. BUT
39 IT'S THE BUSINESS OF THE SUNDAY HAULING AND THAT'S NOT
40 CURRENTLY AUTHORIZED THROUGH THE PERMIT.

41 IT JUST DOESN'T STRIKE ME THAT THEN WE ARE
42 MITIGATING. IF YOU SEE WHAT I MEAN? I DON'T HAVE A QUARREL
43 WITH THE ESTABLISHMENT, I UNDERSTAND WHY IT'S THERE, IT'S
44 NECESSARY, AND RECYCLING THIS EFFORT IS GOOD WORK, BUT THERE
45 HAS TO BE SOME PEACE FOR PEOPLE WHO LIVE IN THE AREA.

46 AND I UNDERSTAND THAT THERE WERE -- ON THE
47 FIRST HEARING THERE WERE FIVE LETTERS OF -- FOUR? AND ON
48 THE SECOND THERE WAS ONE. AND, YOU KNOW, THAT'S AN AWFUL
49 LOT FOR AN AREA AS RELATIVELY UNSOPHISTICATED AS THIS AREA
50 MAY BE.

51 MR. MURRAY: I BELIEVE WE GOT ONE LETTER OF
52 OPPOSITION, IF I'M NOT MISTAKEN.

1 MEMBER ROBERTI: BUT WASN'T THERE AN EARLIER
2 HEARING WHERE THERE WERE FOUR?
3 MR. MURRAY: NOT IN THE CONDITIONAL USE PERMIT AS
4 IT STANDS TODAY. MY UNDERSTAND --
5 MEMBER ROBERTI: I THINK AT ONE POINT THERE WERE
6 FOUR, AND MOST PEOPLE DON'T KNOW THAT -- YOU KNOW, YOU
7 PROTEST THE EIR ONE DAY, THE CONDITIONAL USE PERMIT ANOTHER
8 DAY -- I MEAN, THEY SEND ONE LETTER AND THEY THINK THAT'S
9 DONE THE TRICK.
10 MR. MURRAY: ACTUALLY, IN THIS PARTICULAR --
11 MEMBER ROBERTI: AND I'M NOT QUARRELING WITH YOU -
12 -
13 MR. MURRAY: I UNDERSTAND.
14 MEMBER ROBERTI: -- I'M JUST TELLING YOU FROM MY -
15 -
16 MR. MURRAY: BUT IT'S ALSO VERY IMPORTANT TO POINT
17 OUT WITH THIS PARTICULAR LETTER WE, BLT ENTERPRISES, TOOK
18 THE TIME AND EXPENSE TO FLY THE GENTLEMAN THAT WROTE THAT
19 LETTER OUT TO OUR DEL NORTE FACILITY TO DEMONSTRATE TO HIM
20 WHO WE WERE AS OPERATORS. AND HIS CONCERNS WERE
21 SPECIFICALLY RELATED TO ODORS ASSOCIATED WITH THE PREVIOUS
22 OPERATION AT THE JOB SITE.
23 AS A RESULT OF THOSE MEETINGS WITH HIM, AS
24 WELL AS SUBSEQUENT MEETINGS PRIOR TO VOTING ON THE
25 CONDITIONAL USE PERMIT WE WERE ACTUALLY ABLE TO COME UP WITH
26 AN AGREEMENT THAT HAS MADE IT INTO THE CONDITIONAL USE
27 PERMIT ASSOCIATED WITH ODORS. AND BETTY CAN SPEAK TO THAT,
28 AS WELL, BECAUSE SHE ALSO HAD SOME INPUT ON TO THAT.
29 BUT WE HAVE MADE EVERY POSSIBLE ARRANGEMENT
30 TO DO OUTREACH WITH THE COMMUNITY. AS YOU PROBABLY SEE IN
31 THE CUP, WE HAVE TO ESTABLISH A CITIZEN'S COMMUNITY (SIC)
32 THAT HAS TO MEET AT LEAST ANNUALLY, AND PROBABLY MORE OFTEN.
33 WE HAVE TO PUT OUT A QUARTERLY NEWSLETTER. THERE'S A LOT
34 OF FEEDBACK MECHANISMS IN THIS PARTICULAR CONDITIONAL USE
35 PERMIT THAT --
36 MEMBER ROBERTI: AND I TEND TO AGREE, I THINK
37 YOU'VE MADE EVERY ATTEMPT. BUT THAT STILL DOESN'T GET --
38 DOESN'T CLEAR MY MIND OVER THE SUNDAY HAULING ISSUE, AND A
39 SMALL RESIDENTIAL AREA MAY HAVE SEVEN DAYS OF RECYCLED
40 MATERIAL COMING IN FRONT OF THEIR DOORS, WHICH AFFECTS ODOR
41 AND NOISE, BECAUSE IT'S NOT JUST FROM YOUR PLANT, BUT IT'S
42 THE TRUCKS BRINGING IT IN, WHEREAS, THEY ONLY HAD SIX
43 BEFORE. BUT I DON'T THINK ANYBODY CAN GIVE ME AN ANSWER AS
44 TO WHETHER -- I AM CONCERNED.
45 BUT IF I WERE ON THE ROUTE, IF I OWNED -- IF
46 I LIVED ON THE ROUTE AND, YOU KNOW, I HAD MY ONE DAY OF
47 SUNDAY PEACE AND NOW THAT'S GOING TO BE DISTURBED, AT SOME
48 POINT I MIGHT BE A LITTLE BIT CONCERNED. AND THAT'S NOT
49 SAYING THAT YOU, AS AN ENTITY, HAVEN'T MADE EVERY EFFORT TO
50 MITIGATE.
51 BUT -- CAN WE SORT OF TRY TO FIND OUT IF --
52 CHAIRMAN EATON: I THINK SO. PERHAPS, AND NOT

1 GOING TO YOUR BASE QUESTION, AND I THINK THE BASE QUESTION,
2 IF I'M NOT MISTAKEN, WAS DID THE ORIGINAL CUP, CONDITIONAL
3 USE PERMIT, ALLOW FOR SEVEN DAYS PER WEEK. I THINK THAT WAS
4 YOUR UNDERLYING QUESTION.

5 MEMBER ROBERTI: YEAH, THAT'S MY UNDERLYING --
6 YEAH.

7 CHAIRMAN EATON: SO, BUT FIRST AND FOREMOST, LET
8 ME JUST TRY A DIFFERENT TACK. BUT I BELIEVE THAT THAT'S A
9 VALID QUESTION.

10 YOU MENTIONED THE FACT YOU HAD TO HAVE SOME
11 COMMUNITY FORUMS, ET CETERA, SO ON AND SO FORTH. IS THERE A
12 WAY THAT PERHAPS YOU CAN ASSIST THE BOARD, AND SPECIFICALLY
13 THE SENATOR, WITH REGARD TO THAT PARTICULAR ISSUE OF THE
14 SEVEN DAYS A WEEK AT....

15 NOW YOU'RE GOING TO HOLD THEM ONCE A YEAR?
16 IS THAT WHAT YOU'RE REQUIRED TO DO UNDER THE CONDITIONAL USE
17 PERMIT?

18 MR. MURRAY: OH, THE ACTUAL MEETINGS THEMSELVES?

19 CHAIRMAN EATON: YES.

20 MR. MURRAY: THEY'RE ONCE A YEAR OR MORE OFTEN,
21 AND IT'S REALLY A FEEDBACK MECHANISM FROM THE COMMUNITY TO
22 US, THE OPERATOR. SO IF THEY DECIDE -- AND IT'S A
23 FORMALIZED COMMUNITY MEMBERSHIP, SO IT'S UP TO THEM TO
24 DETERMINE IF THEY WANT TO MEET MORE OFTEN.

25 WE WILL PARTICIPATE, AND WE WILL SOLICIT
26 THEIR INPUT, AND WE WILL THEN PROVIDE ADDITIONAL
27 RECOMMENDATIONS AS AN OPERATOR. I MEAN, OBVIOUSLY WE HAVE
28 TO LISTEN TO THEM.

29 ALSO, REALLY QUICKLY, SENATOR ROBERTI, I
30 TOTALLY UNDERSTAND YOUR APPRECIATION FOR THAT NEIGHBORHOOD.
31 WE HAVE OUTLINED IN THE DRAFT -- OR, IN THE PERMIT ITSELF,
32 THE REPORT OF STATION INFORMATION, WE ARE MINIMIZING AND ARE
33 GOING TO ATTEMPT AT ALL POSSIBLE JUNCTURES TO KEEP TRAFFIC
34 AWAY FROM WHITESIDE, BETWEEN -- I BELIEVE IT'S BETWEEN --

35 MEMBER ROBERTI: YES, I NOTICED THAT.

36 MR. MURRAY: -- MEDFORD AND BONNIE BEACH.

37 MEMBER ROBERTI: YES.

38 MR. MURRAY: AND THAT'S REALLY WHERE THE
39 RESIDENTIAL -- THE MAJORITY OF THEM ARE. THE REST OF IT, IF
40 YOU NOTICE, IS VERY INDUSTRIAL. AND, IN FACT, SUNDAY THERE
41 WOULD PROBABLY BE VERY LITTLE ACTIVITY --

42 MEMBER ROBERTI: YOU'RE ABSOLUTELY RIGHT, I --

43 MR. MURRAY: -- WITH THE EXCEPTION OF ONE
44 BUSINESS.

45 MEMBER ROBERTI: I RECOGNIZE THAT.

46 MR. MURRAY: AND WE WILL ATTEMPT TO KEEP ANYBODY
47 AND EVERYBODY --

48 MEMBER ROBERTI: AND ALL THE PROCESSING TRAFFIC
49 GOES IN THE INDUSTRIAL AREA.

50 MR. MURRAY: THAT IS -- YES.

51 MEMBER ROBERTI: BUT IT'S STILL -- YEAH, BUT THERE
52 STILL -- I STILL HAVE THE POINT OF SEVEN DAYS A WEEK FOR --

1 WHAT IS IT, NOT PROCESSING BUT --
2 MR. MURRAY: RECEIPT OF WASTE.
3 MEMBER ROBERTI: RECEIPT, YES.
4 MR. MURRAY: YES.
5 MEMBER ROBERTI: THE RECEIPT OF THE WASTE.
6 MR. MURRAY: AND AGAIN, YOU KNOW, WE -- TO ADDRESS
7 EVEN FURTHER HOW MUCH ADDITIONAL OUTREACH WE WENT THROUGH ON
8 THIS PROCESS, BECAUSE IT WAS FAIRLY EXTENSIVE FOR SUCH A
9 SMALL FACILITY, WE LITERALLY WENT DOOR TO DOOR, KNOCKED ON
10 EVERY SINGLE PERSON'S --
11 MEMBER ROBERTI: I UNDERSTAND, YOU'RE RIGHT.
12 MR. MURRAY: -- DOOR AND ASKED THEM FOR THEIR
13 INPUT.
14 MEMBER ROBERTI: BUT I DON'T HAVE ANY WAY OF
15 KNOWING IF THEY KNEW THEY WERE GOING TO BE GETTING THE SEVEN
16 DAYS -- SEVEN DAYS A WEEK. I MEAN --
17 MR. MURRAY: I ASSURE YOU THAT --
18 MEMBER ROBERTI: -- IN MY HUMBLE ESTIMATION, I
19 THINK IF I'M ON THE TRUCK ROUTE AND I HAVE ONE DAY OF PEACE
20 WHERE I CAN HEAR THE BIRDS, I DON'T THINK I WANT TO HAVE,
21 YOU KNOW, THE RECEIPT OF THIS STUFF COMING IN. IT'S TOUGH
22 ENOUGH LIVING IN AN INDUSTRIAL AREA, AS THEY DO.
23 AND THAT'S NOT YOUR PROBLEM, BUT IF YOU GET
24 THIS FOR SEVEN DAYS A WEEK, ODORS AND NOISE AND WHATEVER --
25 AND THERE'S NOTHING YOU CAN DO TO MITIGATE THAT BECAUSE THIS
26 IS ON THE TRUCKS AS THEY'RE COMING IN AND YOU'RE RECEIVING
27 THE PROPERTY -- WHATEVER, PROPERTY, WHATEVER IT IS -- TRASH.
28 SO I KIND OF WOULD LIKE TO KNOW IF THERE'S
29 BEEN AN EXPANSION, BECAUSE MY VOTE -- I HAVE TO VOTE BASED
30 ON WHETHER THERE'S BEEN A MITIGATION, AND IT DOESN'T STRIKE
31 ME THERE'S A MITIGATION OF NOISE AND ODOR IF WE ALLOW
32 RECEIPT FOR SEVEN DAYS A WEEK, WHEN PREVIOUSLY IT WAS ONLY
33 SIX. NOW, MAYBE I'M WRONG.
34 CHAIRMAN EATON: SENATOR, PERHAPS IF I COULD JUST
35 INTERJECT, AND I'LL WAIT FOR MR. JONES, WOULD IT BE HELPFUL
36 IF WE PUT THIS OVER UNTIL THIS AFTERNOON. WHEN WE FIRST
37 CAME BACK --
38 MEMBER ROBERTI: AND I WANT TO EMPHASIZE --
39 CHAIRMAN EATON: -- FROM OUR CLOSED SESSION AND
40 SEE --
41 MEMBER ROBERTI: -- HAVING BEEN THERE, I THINK THE
42 OWNERS ARE DECENT OPERATORS WHO ARE TRYING TO MAKE EVERY
43 EFFORT TO MITIGATE. BUT I THINK THIS IS AN IMPORTANT POINT.
44 CHAIRMAN EATON: MR. JONES.
45 MEMBER JONES: SENATOR, I THINK IT'S AN IMPORTANT
46 POINT TOO. BUT, BECAUSE OF SOME ISSUES THAT HAPPENED AT THE
47 LAST BOARD MEETING, I ASKED FOR MORE DETAILED INFORMATION ON
48 SOME ACTIVITY P&E, AND ONE OF THEM WAS THIS PERMIT.
49 AND WHEN I READ THE RDSI IT TALKED ABOUT
50 THREE HEARINGS IN FRONT OF THE PLANNING COMMISSION, I THINK
51 IT WAS THREE, THAT WERE NOT ONLY NOTICED BUT THAT PEOPLE
52 WERE THERE. AND THEN THAT PLANNING COMMISSION ENDED UP

1 GOING OUT TO THE SITE BEFORE THEY MADE THE DETERMINATION
2 THAT IT COULD BE SEVEN DAYS A WEEK, 24 HOURS A DAY. AND
3 THAT'S A -- YOU KNOW, IN MY MIND THAT'S A LOCAL ISSUE.
4 I'VE HAD FACILITIES THAT WERE PART OF AN
5 INDUSTRIAL AREA WHERE THE ZONING CHANGED, AND THERE WERE
6 SOME HOMES OUT IN THAT AREA. BUT IT WAS AN INDUSTRIAL AREA
7 BEFORE IT WAS A HOME -- BEFORE IT WAS RESIDENTIAL. AND, YOU
8 KNOW, YOU DO EVERYTHING YOU CAN TO MITIGATE.
9 BUT IN MY OPINION, YOU KNOW, IF THE LOCAL
10 PLANNING COMMISSION TOOK IN THE COMMENTS FROM THOSE LOCAL
11 PEOPLE, AND PUT CONDITIONS IN THAT CUP, THEN I THINK WHAT
12 WE'RE VOTING ON IS A PERMIT. AND I KNOW WE DON'T HAVE THE
13 RIGHT TO CHANGE CONDITIONS OR ANYTHING LIKE THAT, SO WE
14 EITHER VOTE IT UP OR DOWN.
15 MEMBER ROBERTI: YEAH, I UNDERSTAND THAT. AND
16 I'VE BEEN SPEAKING TO THE LAWYERS ABOUT THAT, BECAUSE I
17 DON'T WANT TO BECOME A LOCAL PLANNING COMMISSIONER. BUT --
18 CHAIRMAN EATON: UNLESS THAT --
19 (THE PARTIES SIMULTANEOUSLY SPEAK.)
20 CHAIRMAN EATON: -- COMES BACK.
21 MEMBER ROBERTI: BUT -- NO, NO, NO, NO. I --
22 ABSOLUTELY --
23 MEMBER JONES: I'M INCREDIBLY RELIEVED NOW.
24 MEMBER ROBERTI: BUT -- BUT, I WAS BRIEFED -- I AM
25 TOLD THAT MY VOTE CAN BE CONDITIONED ON WHETHER THERE'S A
26 MITIGATION, AND NOBODY'S ABLE TO REALLY TELL ME EXACTLY WHAT
27 THAT WORD MEANS. ABSENT THAT, THAT SEEMS TO BE PRETTY
28 BROAD. MITIGATION AS TO -- OH, AS TO NUISANCES INVOLVED.
29 AND THAT BEING THE CASE, UNLESS SOMEBODY CAN TELL ME -- IT
30 DOESN'T STRIKE ME THAT ALLOWING SUNDAY HAULING IS A
31 MITIGATION.
32 CHAIRMAN EATON: WELL, LET ME TRY ONE MORE TIME.
33 AND IF YOU WOULD BE SO KIND TO INDULGE THE BOARD, IF WE
34 COULD JUST PUT THIS OVER UNTIL AFTER LUNCH? IF YOU COULD
35 KINDLY DO WHATEVER'S NECESSARY, BY FAX, TELEPHONE, PONY
36 EXPRESS, WHATEVER OTHER MEANS YOU MIGHT BE ABLE TO HAVE AT
37 YOUR DISPOSAL, TO SEE IF THE ORIGINAL --
38 MS. MORRISON: I HAVE IT RIGHT HERE.
39 CHAIRMAN EATON: -- CONDITIONAL USE PERMIT -- AND
40 I WANT TO BE --
41 MS. MORRISON: WE HAVE IT HERE.
42 CHAIRMAN EATON: -- A SEVEN-DAY-A-WEEK OPERATIONAL
43 PERMIT. IN WHICH CASE, THE ISSUE OF MITIGATION WOULD --
44 MR. DIER: I'VE GOT A COPY OF IT RIGHT THERE.
45 MS. MORRISON: MR. DIER HAS --
46 MR. DIER: JUST SO YOU UNDERSTAND.
47 CHAIRMAN EATON: SEE HOW QUICKLY --
48 MR. DIER: -- YOU NEED TIME TO READ IT.
49 MEMBER JONES: SO AFTER LUNCH.
50 CHAIRMAN EATON: SO YOU WANT TO TAKE -- WOULD
51 AFTER LUNCH BE OKAY? OKAY, GREAT. THANK YOU. AND WE'LL
52 PUT THIS ITEM, ITEM NO. 5 OVER UNTIL -- THE FIRST ORDER OF

1 BUSINESS WHEN WE COME BACK FROM OUR LUNCHTIME BREAK. THANK
2 YOU.

3 AGENDA ITEM NO. 6: CONSIDERATION OF A REVISED SOLID WASTE
4 FACILITY PERMIT FOR AVENAL LANDFILL, KINGS COUNTY

5 CHAIRMAN EATON: THE NEXT ITEM, AGENDA ITEM NO. 6,
6 CONSIDERATION OF A REVISED SOLID WASTE FACILITY PERMIT FOR
7 AVENAL LANDFILL, KINGS COUNTY. GOOD MORNING.

8 MR. ELLIOTT: GOOD MORNING BOARD MEMBERS. MY NAME
9 IS LEW ELLIOTT, I'M WITH THE BOARD'S P&I (PHONETIC) BRANCH,
10 REGION TWO, AND I BRING BEFORE YOUR CONSIDERATION TODAY A
11 REVISED SOLID WASTE FACILITY PERMIT FOR THE AVENAL LANDFILL,
12 OWNED AND OPERATED BY THE CITY OF AVENAL, IN KINGS COUNTY.

13 A BRIEF HISTORY OF THE SITE. IT BEGAN AS A
14 COMMERCIAL SITE OWNED BY STANDARD OIL OF CALIFORNIA, THEY
15 DISPOSED OF A LOT OF THEIR OIL FIELD WASTE THERE. IN 1976
16 THE LANDFILL WAS TRANSFERRED TO THE AVENAL COMMUNITY
17 SERVICES DISTRICT, AND THERE YEARS LATER, WHEN THE CITY
18 INCORPORATED, IT WAS -- THEY ASSUMED OWNERSHIP AND OPERATION
19 OF THE LANDFILL.

20 IT'S IN THE FAR WEST SECTION OF KINGS COUNTY,
21 WEST OF INTERSTATE 5, OFF OF SKYLINE BOULEVARD, AND IT'S ON
22 HYDRIL ROAD.

23 AND THEY'RE ASKING FOR AN INCREASE IN DAILY
24 TONNAGE FROM 50 TO 300 TONS, INCREASE IN MAXIMUM ELEVATION
25 FROM 950 TO 1,090 FEET, INCREASE IN THE FILL FOOTPRINT FROM
26 35 TO 87 ACRES, INCREASE IN THE TOTAL LANDFILL SIZE FROM 159
27 TO 173 ACRES. THE OVERALL CAPACITY WOULD INCREASE TO
28 6,620,000 CUBIC YARDS, GIVING THEM AN ESTIMATED SITE LIFE OF
29 UNTIL THE YEAR 2040. AND THEY'D LIKE TO INCREASE THEIR DAYS
30 OF OPERATION FROM FIVE TO SIX.

31 I HAVE WITH ME THE LEA PERMITTING INSPECTOR
32 FOR THE LANDFILL, LOUIS FLORES.

33 CHAIRMAN EATON: MR. FLORES, DO YOU HAVE ANY
34 ADDITIONAL COMMENTS YOU'D LIKE TO SAY BEFORE I ASK THE BOARD
35 MEMBERS IF THEY HAVE ANY QUESTIONS?

36 MR. FLORES: NOT AT THIS TIME.

37 CHAIRMAN EATON: BOARD MEMBERS, ANY QUESTIONS,
38 COMMENTS?

39 MEMBER PENNINGTON: MR. CHAIRMAN?

40 CHAIRMAN EATON: YES, MR. PENNINGTON.

41 MEMBER PENNINGTON: IS PART OF THIS LANDFILL
42 UNLINED?

43 MR. ELLIOTT: THE LANDFILL IS CURRENTLY -- THE
44 CURRENT SECTION IS UNLINED. AS I SAY, THEY BEGAN OPERATIONS
45 IN 1929, MANY, MANY YEARS BEFORE THERE WERE SUBTITLE D
46 REGULATIONS REQUIRING A LINER.

47 THE EXPANSION AREA, THE LATERAL EXPANSION
48 AREA WILL BE LINED.

49 MEMBER PENNINGTON: OKAY.

50 MR. DIER: MR. CHAIRMAN, WE'RE GOING TO DISPLAY A
51 REPRESENTATION IF WE CAN GET THE MACHINERY WORKING.

52 CHAIRMAN EATON: FOR THE RECORD, THIS IS MR. DON

1 DIER FROM THE CALIFORNIA WASTE MANAGEMENT BOARD STAFF.
2 NOT EVERYONE IS FAMILIAR WITH YOUR FACE AS
3 SOME.
4 MR. DIER: SOME MORE THAN OTHERS.
5 MR. ELLIOTT: DON?
6 MR. DIER: YES?
7 MR. CHANDLER: WHEN YOU SHOW THROUGH THE VISUAL
8 THE FOOTPRINT OR THE BOUNDARY OF THE LANDFILL COULD YOU
9 POINT OUT WHICH AREAS ARE CLOSED WITH RESPECT TO THE UNLINED
10 PORTION? AND, OF COURSE, THE HORIZONTAL EXPANSION?
11 MR. DIER: YEAH, WELL, I'M NOT SURE THERE IS ANY
12 CLOSED. I CUT OFF A LITTLE BIT, IN THE LOWER LEFT CORNER
13 THERE IS AN AREA THAT I CUT OFF. THE MAIN PURPOSE IN THIS
14 REPRESENTATION WAS TO SHOW THE UNLINED AREA VERSUS THE
15 LINED, AND THE LINED WILL BE THE YELLOW PORTION, THE
16 EXPANSION AREA.
17 THIS REPRESENTS -- THE TOPOGRAPHICAL LINES
18 SHOW WHAT THE FINAL ELEVATIONS WILL BE AT CLOSURE, TO
19 INDICATE THAT ONCE THE SITE IS BUILT OUT THE LANDFILL
20 ESSENTIALLY WILL BE A MOUND OVER BOTH THE EXPANDED LINED
21 AREA AND THE UNLINED AREA.
22 MR. ELLIOTT: THE TOPOGRAPHY OF THE LANDFILL IS ON
23 A HILL OVERLOOKING THE CITY, SO IT SHOULD NOT CHANGE THAT TO
24 ANY GREAT EXTENT.
25 WITH THE BOARD'S PERMISSION, I'D LIKE TO
26 ACKNOWLEDGE THE FACT THAT THERE ARE SIX DISTINGUISHED
27 REPRESENTATIVES FROM THE CITY OF AVENAL IN THE AUDIENCE,
28 INCLUDING THE MAYOR, RAY ELLIOTT, NO RELATION TO ME, THE
29 CITY MANAGER, MELISSA WINTON (PHONETIC), THE COUNSEL AND
30 OTHERS ARE IN THE AUDIENCE.
31 MEMBER JONES: THANKS.
32 CHAIRMAN EATON: IS THERE ANY ADDITIONAL -- ANY
33 QUESTIONS?
34 JUST A COUPLE INQUIRIES. WE DID -- AT THE
35 TIME THE AGENDA ITEM WAS PREPARED -- A PRE-PERMIT INSPECTION
36 HAD NOT TAKEN PLACE. IS THERE ANY ADDITIONAL INFORMATION
37 THAT YOU HAD OBTAINED SUBSEQUENT TO THE PREPARATION OF THE
38 DOCUMENTS THAT WE HAVE BEFORE US THAT WOULD HAVE ANY BEARING
39 AND/OR CHANGE IN TERMS OF YOUR OWN COMMENTS?
40 AND SPECIFICALLY, I'D LIKE TO ASK ABOUT THE
41 FACT THAT, OBVIOUSLY SINCE 1997, OR ROUGHLY TWO YEARS AGO,
42 MY UNDERSTANDING IS, IS THAT THE PERMIT THAT'S BEFORE US IS
43 BECAUSE THERE WAS A CHANGE IN OPERATION AND TERMS AND
44 CONDITIONS OF THE PERMIT. AND SO THOSE HAVE BEEN ONGOING
45 FOR SOME TIME, AND NOW THEY'RE JUST TRYING TO GET CURRENT
46 WITH THOSE.
47 MR. ELLIOTT: RIGHT.
48 CHAIRMAN EATON: IS THAT CORRECT?
49 MR. ELLIOTT: RIGHT.
50 MR. FLORES: IF I MAY, SOME OF THE HISTORY IS THAT
51 THE CURRENT FACILITY IS OPERATED UNDER A 1986 SOLID WASTE
52 FACILITIES PERMIT, WHICH DID NOT GET REVISED IN '91.

1 BEGINNING ABOUT '91 THE FACILITY OPERATOR INDICATED THAT
2 THEY WERE -- THEY WOULD SEEK EXPANSION, AND THAT'S ONE OF
3 THE REASONS THAT IT'S TAKEN A WHILE.
4 ON TWO PREVIOUS OCCASIONS OVER THE LAST SIX
5 YEARS THE FACILITY OPERATOR HAS SUBMITTED AN APPLICATION,
6 AND ON BOTH PRIOR OCCASIONS IT DID NOT REACH FINAL
7 CONCLUSION.
8 CHAIRMAN EATON: WITH THIS BOARD OR WITH YOUR
9 OFFICE?
10 MR. FLORES: IT DID NOT MAKE IT OUT OF OUR OFFICE.
11 CHAIRMAN EATON: OKAY.
12 MR. ELLIOTT: MR. CHAIRMAN, WITH REFERENCE TO THE
13 PRE-PERMIT INSPECTION THAT I CONDUCTED WITH MR. FLORES TWO
14 WEEKS AGO, I DID COME ACROSS TWO VIOLATIONS OF STATE MINIMUM
15 STANDARDS, 20680, DAILY COVER, AND 20870, HAZARDOUS WASTE.
16 BOTH OF THOSE VIOLATIONS HAVE BEEN MITIGATED, REMEDIATED.
17 MR. FLORES CONDUCTED A REINSPECTION, I BELIEVE, A WEEK AGO
18 TODAY AND HE FOUND THAT THE OPERATOR HAD CORRECTED BOTH OF
19 THOSE VIOLATIONS.
20 CHAIRMAN EATON: THANK YOU.
21 MR. ELLIOTT: BOARD STAFF IS RECOMMENDING
22 CONCURRENCE.
23 MEMBER PENNINGTON: MR. CHAIRMAN.
24 CHAIRMAN EATON: MR. PENNINGTON.
25 MEMBER PENNINGTON: I'LL MOVE ADOPTION OF
26 RESOLUTION 1999-97.
27 MEMBER JONES: I'LL SECOND.
28 CHAIRMAN EATON: ALL RIGHT. I HAVE A MOTION BY
29 MR. PENNINGTON, SECOND BY MR. JONES, WITH REGARD TO
30 RESOLUTION 1999-97.
31 MADAM SECRETARY, WILL YOU PLEASE CALL THE
32 ROLL?
33 THE SECRETARY: BOARD MEMBERS JONES?
34 MEMBER JONES: AYE.
35 THE SECRETARY: PENNINGTON?
36 MEMBER PENNINGTON: AYE.
37 THE SECRETARY: ROBERTI?
38 MEMBER ROBERTI: AYE.
39 THE SECRETARY: CHAIRMAN EATON?
40 CHAIRMAN EATON: AYE.
41 THE MOTION PASSES. THANK YOU BOTH.
42 MR. R. ELLIOTT: CAN I HAVE ONE MINUTE?
43 CHAIRMAN EATON: SURELY.
44 MR. R. ELLIOTT: MR. CHAIRMAN AND BOARD MEMBERS,
45 I'D LIKE TO TAKE THIS OPPORTUNITY IN BEHALF OF THE CITY OF
46 AVENAL --
47 CHAIRMAN EATON: WOULD YOU PLEASE JUST STATE YOUR
48 NAME?
49 MR. R. ELLIOTT: MY NAME IS RAY ELLIOTT, I THOUGHT
50 I WAS ALREADY INTRODUCED. I'M SORRY, BUT AGAIN, I'M NOT --
51 CHAIRMAN EATON: YOU KNOW THESE TECHNICALITIES,
52 MR. MAYOR.

1 MR. R. ELLIOTT: I AM THE MAYOR OF AVENAL. WE
2 WOULD LIKE TO -- IN BEHALF OF THE CITY OF AVENAL, THE
3 RESIDENTS, OUR STAFF, CITY STAFF, OUR ENGINEERING FIRM, OUR
4 LEGAL ADVISOR, AND ALSO OUR CITY COUNCIL WOULD LIKE TO THANK
5 YOU VERY MUCH FOR BEING ABLE TO PERMIT THE CITY OF AVENAL'S
6 LANDFILL. THANK YOU AGAIN.

7 CHAIRMAN EATON: THANK YOU. AND THANK YOU FOR
8 MAKING THE TRIP UP.

9 AGENDA ITEM NO. 7: CONSIDERATION OF A REVISED SOLID WASTE
10 COMPOSTING FACILITY PERMIT FOR SAN JOAQUIN COMPOSTING, INC.,
11 KERN COUNTY

12 CHAIRMAN EATON: AGENDA ITEM NO. 7, CONSIDERATION
13 OF A REVISED SOLID WASTE PERMIT FOR SAN JOAQUIN COMPOSTING,
14 INC., KERN COUNTY.

15 MS. NAUMAN: MR. CHAIRMAN AND MEMBERS, JULIE
16 NAUMAN, DEPUTY DIRECTOR, PERMITTING AND ENFORCEMENT
17 DIVISION.

18 THERE HAVE BEEN SOME RECENT DISCUSSION WITH
19 THE LEA AND THE OPERATOR ON THIS ITEM. MR. BILL ORULION
20 (PHONETIC), WHO'S WITH THE KERN COUNTY ENVIRONMENTAL HEALTH
21 SERVICES DEPARTMENT, WOULD LIKE TO ADDRESS THE BOARD.

22 MR. ORULION: HELLO, BOARD MEMBERS, MY NAME IS
23 WILLIAM ORULION WITH KERN COUNTY ENVIRONMENTAL HEALTH.

24 THE PROPONENT FOR THIS PERMIT, MR. PAT
25 MCCARTHY AND HIS STAFF UNFORTUNATELY HAD TO LEAVE EARLY
26 TODAY. AND SO ON BEHALF OF THE PROPONENT AND THE LEA WE
27 REQUEST WITHDRAWAL OF THIS PERMIT AT THIS TIME TO RESOLVE A
28 CEQA ISSUE.

29 CHAIRMAN EATON: OKAY.

30 MR. ORULION: AND PERHAPS YOU WOULD LIKE TO
31 EXPLAIN THAT.

32 MR. NAUMAN: MR. CHAIRMAN AND MEMBERS, I WAS JUST
33 ADVISING MR. ORULION THAT WE WOULD LIKE TO HAVE ON THE
34 RECORD A STATEMENT FROM HIM ON BEHALF OF KERN COUNTY THAT
35 THEY ARE WAIVING TIME ON THE PERMIT SO THAT WE MAY SIT DOWN
36 WITH THEM AND DISCUSS THIS ISSUE MORE FULLY AND REACH
37 RESOLUTION.

38 CHAIRMAN EATON: OKAY. ALL RIGHTY, I JUST CHECKED
39 WITH LEGAL COUNSEL THAT WE NEED NOT TAKE ANY ACTION, GIVEN
40 THE COMMENTS THERE.

41 I DO HOWEVER HAVE THREE SPEAKER SLIPS, MR.
42 MANLEY, MS. MEAGAN, AND MR. SKINDO (PHONETICS). ALL OF YOU
43 HAVING HEARD JUST WHAT WAS SAID DO YOU STILL DESIRE TO SPEAK
44 ON THIS MATTER, OR WOULD YOU RATHER RESERVE COMMENT UNTIL A
45 LATER TIME?

46 MR. MANLEY: NO NEED TO SPEAK NOW, BUT THANK YOU.

47 CHAIRMAN EATON: I DIDN'T THINK SO, BUT I ALWAYS
48 GIVE THE OPPORTUNITY. OKAY.

49 MR. PENNINGTON.

50 MEMBER PENNINGTON: COULD I JUST MAKE SURE --

51 CHAIRMAN EATON: PLEASE.

52 MEMBER PENNINGTON: -- THAT WE'RE CLEAR THAT

1 THEY'RE WAIVING THE TIME?

2 CHAIRMAN EATON: PLEASE.

3 MEMBER PENNINGTON: BECAUSE HE DIDN'T SAY THAT.

4 MR. ORULION: THAT IS CORRECT. I'M SORRY THAT --

5 MR. PENNINGTON, THAT I DIDN'T ARTICULATE THAT. BUT THE LEA
6 WILL RECEIVE A NOTIFICATION FROM THE PROPONENT TO WAIVE THE
7 TIME. AND WE WILL PROCESS THAT FORTHWITH, AND THEN PREPARE
8 THE PERMIT IN ACCORDANCE WITH THE CONCERNS THAT HAVE BEEN
9 RAISED AND BRING IT BACK TO YOU, PROBABLY IN 120 DAYS.

10 MEMBER PENNINGTON: VERY GOOD. THANK YOU VERY
11 MUCH.

12 CHAIRMAN EATON: THANK YOU, MR. PENNINGTON, FOR
13 THAT CLARIFICATION. EVERYONE BE AWARE THAT THEY ARE
14 LISTENING. THANK YOU, MR. PENNINGTON.

15 AGENDA ITEM NO. 8: CONSIDERATION OF PROGRESS MADE BY THE
16 INYO COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH SERVICES AS
17 LOCAL ENFORCEMENT AGENCY FOR INYO COUNTY DURING THE
18 CONTINUANCE OF ITS EXTENDED PROBATIONARY STATUS

19 CHAIRMAN EATON: AGENDA ITEM NO. 8, CONSIDERATION
20 OF PROGRESS MADE BY THE INYO COUNTY DEPARTMENT OF
21 ENVIRONMENTAL HEALTH REGARDING ITS EXTENDED PROBATIONARY
22 STATUS.

23 MS. NAUMAN: MR. CHAIRMAN AND MEMBERS, JULIE
24 NAUMAN. ITEM 8 WE BRING BEFORE YOU CONTAINS A UNIQUE SET OF
25 CIRCUMSTANCES, AND STAFF WILL BE ASKING YOU TO CONSIDER
26 ACTION THAT IS RARELY TAKEN REGARDING LEA PERFORMANCE.

27 JUST LET ME GIVE YOU A LITTLE BIT OF
28 BACKGROUND, AND THEN I'LL ASK STAFF TO MAKE THE FORMAL
29 PRESENTATION, GO THROUGH THE DETAILS WITH YOU.

30 BUT JUST BY WAY OF BACKGROUND, TO UNDERSTAND
31 THE CERTIFICATION AND EVALUATION PROGRAM FOR LEAS, IN 1992
32 THE STATE'S LEA CERTIFICATION PROGRAM BECAME EFFECTIVE AND
33 THE BOARD ISSUED CERTIFICATIONS TO APPROXIMATELY 58 LEAS.
34 THE BOARD HAS ASSUMED THE ROLE OF ENFORCEMENT AGENCY IN
35 THREE JURISDICTIONS. AND TO BE CERTIFIED AN LEA HAS TO MEET
36 MINIMUM LEGAL REQUIREMENTS, AND THERE ARE SEVEN OF THOSE
37 THAT ARE SPECIFIED. I WON'T GO INTO THOSE IN DETAIL UNLESS
38 YOU HAVE QUESTIONS ABOUT THEM.

39 BOARD STAFF CONTINUES TO MANAGE THE LEA
40 CERTIFICATION PROGRAM AND ASSIST LEAS IN MAINTAINING THOSE
41 ASPECTS OF THEIR CERTIFICATION, AND TO SUPPORT NEW LEAS.

42 THE EVALUATION PROGRAM WAS DEVELOPED IN
43 ACCORDANCE WITH STATUTE AND APPROVED BY THE BOARD TO ASSESS
44 THE PERFORMANCE OF CERTIFIED LEAS. THIS HAS REALLY BEEN A
45 TWO-STEP PROCESS. ORIGINALLY THE PROGRAM ASSESSED
46 PERFORMANCE OF LEAS ONCE EVERY 18 MONTHS. CURRENTLY THE
47 PROGRAM OPERATES ON A THREE-YEAR CYCLE. EVALUATION STAFF IS
48 REQUIRED TO DETERMINE WHETHER OR NOT ANY OF SIX STATUTORY
49 FINDINGS CAN BE MADE REGARDING THE LEA'S PERFORMANCE.

50 IN CONDUCTING THE EVALUATIONS AND ASSESSING
51 WORK PLAN PROGRESS STAFF RELIES ON DATA TO MAKE THE INFORMED
52 DECISION. AND IN THE CASE OF INYO COUNTY THAT WE HAVE

1 BEFORE YOU THIS MORNING, DATA AVAILABLE TO THE STAFF AT THE
2 TIME THIS ITEM WAS PREPARED INDICATED, AND CONTINUED TO
3 SHOW, THAT THE LEA FACED OBSTACLES IN ACHIEVING THE
4 PERFORMANCE FOR WHICH THEY WERE CERTIFIED.

5 SINCE THE ITEM WAS PREPARED WE HAVE HAD AN
6 OPPORTUNITY TO MEET WITH INYO COUNTY, AND THEY HAVE BROUGHT
7 SOME ADDITIONAL INFORMATION TO US THAT THEY WILL BE
8 EXPLAINING TO YOU IN THE COURSE OF THEIR PRESENTATION.

9 BUT, AT THIS POINT, I'D LIKE TO NOW TURN IT
10 OVER TO STAFF TO WALK YOU THROUGH THE HISTORY OF OUR
11 INVOLVEMENT WITH INYO COUNTY'S LEA PROGRAM.

12 CHAIRMAN EATON: THANK YOU.

13 MR. ABOUSHANAB: GOOD MORNING, CHAIRMAN EATON, AND
14 MEMBERS ROBERTI, JONES AND PENNINGTON. MY NAME IS GABE
15 AMBOUSHANAB. I AM HERE BEFORE YOU TODAY TO PRESENT PROGRESS
16 OF THE INYO COUNTY WITH ITS CONTINUE OF THE EXTENDED
17 PROBATIONARY STATUS.

18 BRIEFLY, THERE ARE FIVE LANDFILLS IN INYO COUNTY,
19 THEY ARE BISHOP, INDEPENDENCE, LONE PINE, SHOSHONE AND
20 TECOPA. AND FOUR SMALL VOLUME TRANSFER STATIONS, BISHOP
21 SUNLAND, KEELER, BIG PINE, AND HOMEWOOD CANYON.

22 FOR THE BENEFIT OF OUR NEWER BOARD MEMBERS I
23 WOULD LIKE TO GO QUICKLY THROUGH A BRIEF HISTORY OF THE
24 JURISDICTION.

25 THE LEA WAS CERTIFIED IN 1992, AND SHORTLY
26 THEREAFTER, IN 1993, ENFORCEMENT BRANCH STAFF CONDUCTED A
27 NUMBER OF VISITS AND SITE INSPECTIONS, AND FOUND THAT THERE
28 WERE A NUMBER OF ONGOING VIOLATIONS OF STATE MINIMUM
29 STANDARDS AND PERMIT TERMS AND CONDITIONS. THE LEA HAD
30 ISSUED ENFORCEMENT ORDERS WHICH HAD LAPSED OR WERE EXTENDED
31 REPEATEDLY.

32 THIS CREATED CONCERN WITH THE PERFORMANCE OF
33 THE LOCAL ENFORCEMENT AGENCY, AND BOARD STAFF MET AND HAD A
34 WORKSHOP WITH THE LEA, THE COUNTY OPERATOR, THE REGIONAL
35 WATER QUALITY CONTROL BOARD, AND THERE WAS REPRESENTATION
36 FROM THE LOCAL GOVERNING BODY AT VARIOUS POINTS FOR
37 DECISION-MAKING.

38 THAT TAKES US TO 1994-95. AND AS A RESULT OF
39 THESE MEETINGS THE COUNTY CONSULTANT, VECTOR (PHONETIC)
40 ENGINEERING AT THE TIME, DEVELOPED A FIVE-YEAR COMPLIANCE
41 PROPOSAL WHICH WAS UNPRECEDENTED. THE COMPLIANCE PROPOSAL
42 WENT ON A SITE-BY-SITE BASIS AND OUTLINED TEST THAT WERE DUE
43 TO INSURE COMPLIANCE. IT CONSIDERED LOCAL FUNDING
44 ABILITIES, THE CONSULTANT ABILITIES, AND OUR BOARD'S NEEDS.
45 OKAY. CURRENTLY THE LEA EVALUATION WAS CARRIED OUT AND
46 COMPLETED SHORTLY THEREAFTER. IN OCTOBER OF 1995, THE FINAL
47 FORM OF THE JURISDICTIONAL COMPLIANCE PROPOSAL WAS APPROVED
48 FOR IMPLEMENTATION. AND THE LOCAL ENFORCEMENT AGENCY ROLLED
49 THAT INTO AN EVALUATION WORK PLAN.

50 MOVING INTO 1995-1996. THE LEA EVALUATION
51 PROCEDURE MANDATES A REVIEW OF LEA PERFORMANCE ON ITS WORK
52 PLAN, AND THAT WAS DONE AT THREE, SIX, AND NINE MONTHS.

1 THERE WAS SUBSTANTIAL COMPLIANCE AT THREE MONTHS. THERE WAS
2 NONCOMPLIANCE AT SIX MONTHS, THAT WAS SHARED WITH THE LOCAL
3 ENFORCEMENT AGENCY AND THEY PROMISED TO BE ON TRACK AT NINE
4 MONTHS, AND THAT WAS NOT TO BE.

5 THE NEXT STEP IN THE LEA EVALUATION PROCEDURE
6 WHICH WAS APPROVED BY THE BOARD WAS WHAT WAS CALLED AN
7 ADMINISTRATIVE CONFERENCE. THIS IS, IN ESSENCE, A SHOW-
8 CAUSE HEARING WHICH GIVES THE LEA AN OPPORTUNITY TO AVOID
9 ADVERSE CERTIFICATION ACTION BY THE BOARD.

10 MOVING INTO 1997. THE LEA ADMINISTRATIVE
11 CONFERENCE TOOK PLACE IN JANUARY. THIS WAS FOLLOWED BY A
12 BOARD ITEM IN MARCH OF 1997, UNDER WHICH RESOLUTION 97-86
13 REVISED THE LEA DESIGNATION APPROVAL AND CERTIFICATION TO A
14 SIX-MONTH PROBATIONARY STATUS.

15 IT'S IMPORTANT TO NOTE THAT COMPLIANCE DATES
16 WHICH HAD LAPSED WERE REVISED PER COUNTY REQUEST DURING THAT
17 PERIOD.

18 SIX MONTHS LATER STAFF REVIEWED PROGRESS
19 UNDER THE PROBATIONARY STATUS AND PRESENTED AN ITEM TO THE
20 BOARD IN NOVEMBER OF 1997, AND ASKED THE BOARD TO PASS
21 RESOLUTION 97-507, WHICH IN ESSENCE EXTENDED THE LEA
22 DESIGNATION APPROVAL AND PROBATIONARY STATUS FOR SIX MORE
23 MONTHS BECAUSE THERE WAS SIGNIFICANT PROGRESS UNDER THE
24 FIRST PROBATIONARY PERIOD.

25 THAT BRINGS US TO 1998, AND WE'RE LOOKING AT
26 THE PERIOD FROM NOVEMBER, '97, UNTIL APRIL OF '98. AND
27 THERE WAS A LACK OF SIGNIFICANT PROGRESS DURING THE EXTENDED
28 PROBATIONARY PERIOD.

29 THIS COMPELLED P&E DIVISION MANAGEMENT TO SET
30 UP A MEETING WITH THE LEA AND LOCAL KEY PLAYERS TO THE
31 COMPLIANCE PROCESS. THIS TOOK PLACE IN MAY OF 1998, AND
32 INCLUDED REPRESENTATIVES FROM THE LOCAL GOVERNING BODY, THE
33 OPERATOR, A BOARD MEMBER FROM THE BOARD, BOTH THE BOARD OF
34 SUPERVISORS AND OUR BOARD. AND SEVERAL DISCUSSIONS CARRIED
35 OUT. AND THE IDEA WAS TO OVERCOME COMPLIANCE ROADBLOCKS AND
36 SET UP NEW TIME FRAMES TO TAKE CARE OF THESE.

37 AS A RESULT OF THE MEETING, BOARD STAFF CAME
38 BEFORE THE BOARD IN JUNE OF 1998, AND PRESENTED AN AGENDA
39 ITEM WHICH, IN ESSENCE, CONTINUED THE EXTENSION OF THE LEA
40 PROBATION FOR SIX MORE MONTHS. THIS WAS DUE TO RENEWED
41 COMMITMENT DURING THAT MEETING.

42 AT THE SAME TIME, A BOARD ITEM WAS PRESENTED
43 BY THE CLOSURE MEDIATION BRANCH STAFF WHICH, IN ESSENCE,
44 SEEK APPROVAL FOR BISHOP-SUNLAND TIRE REMEDIATION PROJECT.
45 THIS ACTUALLY TOOK PLACE IN THE FOURTH QUARTER OF 1998.

46 THE NEXT SLIDE IS PROGRESS FROM JUNE, '98, TO
47 DATE, WHICH IN ESSENCE IS THE LAST PERIOD, THE THIRD
48 PROBATIONARY PERIOD.

49 AND I WOULD LIKE TO REFER THE BOARD MEMBERS, IF
50 YOU PLEASE, TO THE AGENDA ITEM 8, ATTACHMENT 1, PAGE ONE.
51 AND WHAT YOU WILL SEE IS A TABLE THAT DESCRIBES REQUIRED
52 COMPLIANCE TASKS. AND THIS, IN ESSENCE, IS BASED ON THE

1 JURISDICTIONAL COMPLIANCE PROPOSAL. AND YOU WILL NOTICE
2 THERE'S A COLUMN WHEN THE ORIGINAL COMPLIANCE DATES WERE
3 DUE, WHEN THEY WERE REVISED TO, AND THE CURRENT STATUS.

4 IT IS REALLY IMPORTANT TO NOTE THAT A LARGE
5 NUMBER OF THE OUTSTANDING COMPLIANCE TECS (PHONETIC) HAVE
6 BEEN COMPLETED, AND THIS IS DUE ON A LARGE PART TO LEA
7 EFFORTS. THIS WAS COUPLED WITH BOARD TECHNICAL ASSISTANCE
8 AND ADMINISTRATIVE ACTIONS, AS MENTIONED, WITH THE THREE
9 PROBATIONARY STATUS.

10 CURRENTLY OUTSTANDING -- OR, IN SOME CASE
11 OUTSTANDING ISSUES, IS THE RDSI, CLOSURE PLANS, AND THE
12 SOLID WASTE PERMIT REVISION. AND THE OUTSTANDING ISSUES ARE
13 IN THE ASTERISKS BELOW, WHICH ESSENTIALLY ARE THE PROPERTY
14 LEASE AGREEMENT, SOME MINIMUM STANDARD VIOLATIONS, LITTER
15 CONTROL, AND THE WASTE FOOTPRINT. IT IS MY UNDERSTANDING
16 THAT SOME OF THESE ISSUES HAVE BEEN RESOLVED.

17 AND SIMILARLY, IF I MAY DIRECT YOUR ATTENTION
18 REALLY QUICKLY HERE, WE HAVE LONE PINE, INDEPENDENCE,
19 SHOSHONE AND TECOPA, AND THE COMPLIANCE STATUS IS OUTLINED
20 FOR YOU ON PAGES TWO THROUGH FIVE OF ATTACHMENT 1. AND ONCE
21 AGAIN, YOU WILL NOTICE A LARGE NUMBER OF TASKS HAVE BEEN
22 COMPLIED WITH AND COMPLETE. THIS IS DUE IN GREAT PART TO
23 LEA EFFORTS, BOARD TECHNICAL ASSISTANCE, AND BOARD
24 ADMINISTRATIVE ACTIONS TAKEN IN THE PAST.

25 AND BRIEFLY, TO RECAP, THE ISSUES IN INYO
26 COUNTY WERE JURISDICTIONAL COMPLIANCE, AND THAT AFFECTED THE
27 LEA PROGRAM IMPLEMENTATION BY CREATING ISSUES.

28 SEVERAL ACTIONS WERE TAKEN. THERE WAS AN
29 APPROVAL OF FIVE-YEAR JURISDICTIONAL COMPLIANCE PROPOSAL,
30 APPROVAL OF AN LEA EVALUATION WORK PLAN. WE HAD ONGOING
31 BOARD PROGRAM-LEVEL ASSISTANCE WHEREBY CLOSURE AND MEDIATION
32 STAFF ASSISTED LEA. SO DID PERMITTING AND ENFORCEMENT
33 STAFF. AND WE HAD THE TIRE CLEANUP, AS I MENTIONED, IN THE
34 FOURTH QUARTER OF 1998.

35 FURTHER ACTIONS OF THE ADMINISTRATIVE NATURE
36 WAS THE ADMINISTRATIVE CONFERENCE, WHICH TOOK PLACE IN
37 JANUARY OF '97, FOLLOWED BY THE LEA PROBATION HEARING IN
38 MARCH OF '97, THE SECOND PROBATION HEARING IN NOVEMBER OF
39 '97, AND FOLLOWED BY THE EXTENSION IN JUNE OF '98, WHICH
40 EXTENDED THE LEA PROBATIONARY STATUS BASICALLY FROM JUNE OF
41 '98, THROUGH DECEMBER OF '98.

42 I WOULD LIKE TO MENTION QUICKLY THAT, IN ALL
43 THREE ITEMS THAT AFFECTED THE LEA PROBATIONARY STATUS, THE
44 CIWMB ESSENTIALLY PLACED THE INYO COUNTY LEA ON NOTICE THAT
45 FAILURE TO EXERCISE THE ENFORCEMENT OPTIONS OR TAKE OTHER
46 ACTIONS, EFFECTIVE ENFORCEMENT MEASURES, TO ENSURE THAT TIME
47 LINES ON EXISTING OR REVISED WORK PLAN ON THAT WILL RESULT
48 IN CIWMB ASSUMPTION OF THE AGENCY'S ENFORCEMENT AND/OR
49 PERMITTING DUTIES.

50 CONSIDERATION OF BOARD OPTIONS AT THIS POINT.
51 I WOULD LIKE TO REFER YOU TO PAGES 8-2 OF THE AGENDA ITEM
52 WHERE I HAVE OUTLINED A NUMBER OF BOARD OPTIONS PURSUANT TO

1 PUBLIC RESOURCES CODE 43214, -215, AND -216.5.

2 AND, OF COURSE, HAVING CONSIDERED THE
3 JURISDICTIONAL COMPLIANCE STATUS TO DATE, AND THE THREE
4 PREVIOUS BOARD ACTIONS, STAFF RECOMMEND THE FOLLOWING.

5 A REVISION OF THE LEA'S FULL CERTIFICATION BY
6 MODIFYING THE LEVEL OF LEA AUTHORITY WITHIN INYO COUNTY.

7 STAFF RECOMMEND BOARD ASSUMPTION OF THE LEA'S
8 ENFORCEMENT AUTHORITY. THIS ACTION FLOWS FROM THREE
9 PREVIOUS BOARD ACTIONS GRANTING INYO COUNTY'S REQUESTS FOR
10 TIME FRAME EXTENSIONS FOR A NUMBER OF OVERDUE COMPLIANCE
11 TASKS. THE THREE PREVIOUS BOARD EXTENSIONS RESPECTIVELY
12 IMPLEMENTED, EXTENDED, AND CONTINUED THE EXTENSION OF THE
13 LEA PROBATIONARY STATUS.

14 I WOULD LIKE TO MENTION WHAT THE PROPOSAL
15 MEANS. IT DOES NOT MEAN BOARD STAFF DOES INSPECTIONS OR
16 REVIEW DOCUMENTS SUCH AS PERMIT APPLICATIONS AND OTHER
17 TECHNICAL DOCUMENTS. IT MERELY MEANS THAT CIWMB ENFORCEMENT
18 AGENCY STAFF WILL BE RESPONSIBLE FOR ENFORCING ANY REMAINING
19 ISSUES AND ENFORCEMENT ORDERS THAT EXIT IN THE COUNTY, OR
20 REISSUED BY THE ENFORCEMENT AGENCY, THE BOARD BEING THE
21 ENFORCEMENT AGENCY.

22 IT ALSO MEANS THAT THE BOARD MAY BILL THE
23 JURISDICTION FOR COSTS IT INCURS WHILE PERFORMING THESE
24 DUTIES.

25 IN ESSENCE, THE BOARD MAY NOT DO ANYTHING IF
26 COMPLIANCE CONTINUES ON TARGET, WITH ALL THE TASKS AND THEIR
27 DUE DATES. SO WE MAY DO NOTHING, VERY LITTLE, OR A LOT
28 DEPENDING ON HOW THINGS GO.

29 THIS CONCLUDES MY PRESENTATION. I WOULD LIKE
30 TO ACKNOWLEDGE THE PRESENCE OF SUPERVISOR JULIE BEAR, CAO
31 MR. MENDEZ, RENE MENDEZ, AND THE LEA IS -- BOB HURD IS HERE,
32 TOO. AND I BELIEVE THEY MAY WANT TO ADDRESS THE BOARD IN
33 REBUTTAL TO STAFF'S REPORT.

34 AND THIS CONCLUDES MY PRESENTATION, I'D BE
35 HAPPY TO ANSWER ANY OF YOUR QUESTIONS.

36 CHAIRMAN EATON: ARE THERE ANY QUESTIONS FOR
37 STAFF?

38 MEMBER JONES: MR. CHAIRMAN?

39 CHAIRMAN EATON: MR. JONES.

40 MEMBER JONES: I DON'T KNOW IF I AM GOING TO ASK
41 GABE A QUESTION AS MUCH AS I AM GOING TO MAKE A BRIEF
42 STATEMENT BEFORE INYO COUNTY STARTS PUTTING ON THEIR
43 DEFENSE.

44 ONE OF THE THINGS THAT HAS BEEN
45 CLEAR THROUGH THIS WHOLE PROCESS IS THAT OUR
46 TOOL TO GET COMPLIANCE IS THROUGH THE LEA CERTIFICATION
47 PROGRAM. AND THERE WERE SOME THINGS THAT, WHEN GABE STARTED
48 TALKING ABOUT

49 WHAT THIS COUNTY DID ORIGINALLY IN THE COMPLIANCE SCHEDULE,
50 FOR THOSE OF YOU THAT DON'T KNOW, THESE WERE ALL OPEN DUMPS,
51 OPEN LANDFILLS THAT PEOPLE HAD 24-HOUR-A-DAY ACCESS TO.

52 PROBABLY ONE -- IN RURAL CALIFORNIA, TO PUT

1 CHAIN-LINK FENCE AROUND SOMETHING THAT IS CONSIDERED AN
2 INALIENABLE RIGHT IS A PRETTY MONUMENTAL POLITICAL MOVE THAT
3 HAPPENED.

4 WHEN I WAS BRIEFED ON THIS ITEM IT -- I MADE
5 A COMMENT TO STAFF THAT MAYBE WE DON'T NEED TO DECERTIFY THE
6 LEA AS MUCH AS WE NEED TO TAKE OVER THE OPERATIONS. BUT
7 THAT'S NOT OUR -- THAT'S NOT OUR PURVIEW.

8 BECAUSE I THINK PART OF THE PROBLEM IN THIS
9 ONGOING EPISODE IS A LACK OF FOLLOWING THROUGH THAT I DON'T
10 THINK IS -- I KNOW FOR A FACT THAT THE BOARD OF SUPERVISORS
11 AND THE CAO HAVE -- WHEN THEY FOUND OUT ABOUT CERTAIN ISSUES
12 THEY DEALT WITH THEM. I THINK KENNEDY HAS PROBABLY BROUGHT
13 THE ISSUES FORWARD AS GOOD AS COULD BE EXPECTED.

14 BUT THERE WAS A WEAK LINK THAT -- IN
15 INFORMATION THAT I GOT YESTERDAY IN A MEETING, THAT LINK HAS
16 BEEN CHANGED, AND NOW THE CAO OF THE COUNTY HAS TAKEN OVER
17 THE RESPONSIBILITY FOR THE OPERATIONS AND THE COMPLIANCE
18 SCHEDULE. THAT IS HUGE, IN MY MIND.

19 AND I THINK THAT, YOU KNOW, I WAS COMPLETELY
20 FOR US TAKING OVER AS THE E.A. EFFECTIVE TOMORROW. BUT I'M
21 NOT -- IN TRYING TO BALANCE HOW WE TREAT PUBLIC ENTITIES
22 THAT ARE OPERATORS VERSUS THE WAY WE TREAT PRIVATE OPERATORS
23 HAS ALWAYS BEEN AN ISSUE FOR ME, OBVIOUSLY, BECAUSE I THINK
24 WE NEED TO BE FAIR IN THE WAY THAT WE DEAL WITH ALL THESE
25 ISSUES.

26 BUT IT WOULD SEEM TO ME THAT A RESOLUTION
27 COULD BE -- BECAUSE THEY HAVE MADE SO MANY STRIDES, AND HAVE
28 HIRED YET AN ADDITIONAL CONSULTANT TO FINISH UP THEIR
29 PERMITTING ISSUES, I THINK THAT MEANS THE WORK IS GOING TO
30 BE SPLIT BETWEEN TWO ENTITIES TO MAKE SURE IT GETS DONE IN A
31 TIMELY MANNER.

32 THE OTHER THING THAT I CAME TO UNDERSTAND
33 YESTERDAY, AND I THINK SENATOR ROBERTI BROUGHT IT UP WHEN WE
34 WERE DOING THE EXTENSION OF THE SITING ELEMENT ISSUE BACK A
35 COUPLE MONTHS AGO, DWP -- DEPARTMENT OF POWER AND WATER FOR
36 L.A. COUNTY HAS FINALLY COME TO SOME UNDERSTAND WITH INYO
37 COUNTY THAT THEY CAN GO FORWARD AND ISSUE THE LEASE
38 AGREEMENT, WHICH HAS REALLY HELD UP AN AWFUL LOT OF THE
39 COMPLIANCE SCHEDULES.

40 AND FOR US, AS AN AGENCY, TO BE BATTLING THEM
41 OVER THE HEAD TO GET SOMETHING PUT THEM IN A POSITION WHERE
42 -- THEY PROBABLY DON'T HAVE THAT MUCH NEGOTIATING POWER WITH
43 L.A. POWER AND WATER TO BEGIN WITH. I MEAN, IF WE KEPT
44 PUSHING THEM DOWN THAT ROAD IT SEEMED TO ME WE'D JUST PUT
45 THEM IN A WEAKER POSITION.

46 I'M GOING TO -- AFTER THEY ARE DONE, IF THEY
47 SEE A NEED TO PUT ON A CASE, I WANT TO THROW SOMETHING OUT
48 THAT WE COULD -- AND THIS ISN'T A MOTION, THIS IS JUST
49 STRICTLY SOME THINKING, WE COULD ASSUME THE ROLE OF E.A.
50 EFFECTIVE JULY 1ST. AND IF THEY MET THEIR TIME LINES WHICH
51 THEY HAVE PUT FORWARD, THEN MAYBE AS -- BETWEEN STAFF AND
52 THE EXECUTIVE DIRECTOR THEY COULD DETERMINE WHETHER OR NOT

1 WE NEEDED TO ASSUME THAT ROLE, BECAUSE IT IS A COSTLY ROLE,
2 BUT IT WOULD BE EFFECTIVE THAT DAY.

3 OR, IF THEY GET EVERYTHING DONE WHICH THEY
4 SAID THEY WOULD, THEN THEY JUST REPORT TO YOU, GABE, EVERY
5 MONTH WITH THE PROGRESS THAT THEY'VE MADE.

6 THAT WOULD TIE IN THE SITING ELEMENT
7 EXTENSION, WHICH WAS TO JUNE 15TH, AND THEN THEIR SCHEDULE -
8 - BISHOP-SUNLAND SHOULD BE PRETTY QUICK IF THEY GET THE
9 LEASE AGREEMENT, AND THEIR OTHER SCHEDULE SHOWS
10 INDEPENDENCE, LONE PINE, TO BE DONE PRIOR TO THAT, PRIOR TO
11 JUNE -- WOULD SEEM TO ME TO BE A WAY TO NOT ONLY KEEP THE
12 HAMMER TURNED UP, BUT TO TAKE US OUT OF THE PROBATIONARY
13 PERIOD, PUT US IN AS E.A., BUT WE'LL HOLD BACK AND SUSPENSE
14 AS LONG AS THEY KEEP PUTTING THE STUFF FORWARD, IF THAT'S
15 SOMETHING THAT MAKES SENSE TO BOARD MEMBERS.

16 CHAIRMAN EATON: IS THERE ANY OTHER COMMENTS BY
17 ANY OTHER BOARD MEMBERS BEFORE WE HEAR FROM THE COUNTY? MR.
18 PENNINGTON?

19 MEMBER PENNINGTON: I THINK THAT MR. JONES IS ON
20 THE RIGHT TRACK, AND THAT THAT'S PROBABLY THE DIRECTION THAT
21 WE SHOULD LOOK AT.

22 BUT, I'D LIKE TO HEAR FROM THE COUNTY IF THEY
23 WANT TO TALK TO US.

24 CHAIRMAN EATON: OKAY. MS. BEAR, MR. MENDEZ, OR
25 MR. HURD? WELCOME ONCE AGAIN.

26 MS. BEAR: IN ESSENCE OF ALL THAT BOARD MEMBERS
27 JONES HAS STATED, AND I'M -- WE'RE INTO YOUR LUNCHTIME --
28 I'M GOING TO BE REAL BRIEF. AND IF YOU WOULD RATHER NOT
29 HEAR FROM ME THAT'S FINE TOO, IT'S UP TO YOUR DISCRETION.

30 CHAIRMAN EATON: NO, I THINK IT'S VERY IMPORTANT
31 THAT WE HEAR FROM YOU.

32 MS. BEAR: OKAY. WE ARE NOT GOING TO BE HERE TO
33 REBUT -- THANK YOU, THOUGH, FOR THE OFFER. NOR TO OFFER
34 DEFENSE NECESSARILY.

35 I'M JULIE BAER, I'M ON THE INYO COUNTY BOARD
36 OF SUPERVISORS. I JUST WANT TO VERY BRIEFLY PUT THIS INTO
37 SOME CONTEXT FOR YOU. THESE ARE NOT EXCUSES, THIS IS JUST
38 INFORMATION THAT I HOPE WILL BE HELPFUL.

39 INYO COUNTY IS OVER 10,000 SQUARE MILES
40 LARGE. INYO COUNTY HAS A WHOPPING RESIDENCY OF 18,000
41 FOLKS. THAT'S BECAUSE 98 PERCENT OF INYO COUNTY IS OWNED BY
42 THE FEDERAL GOVERNMENT, STATE GOVERNMENT, OR THE LOS ANGELES
43 DEPARTMENT OF WATER AND POWER.

44 NOW, I STATE THAT FOR A COUPLE OF REASONS.
45 WE ARE ALSO HOME TO THE LOWEST PIECE OF LAND IN THE
46 CONTIGUOUS UNITED STATES, DEATH VALLEY NATIONAL PARK; THE
47 HIGHEST PIECE OF LAND, REAL ESTATE, IN THE CONTIGUOUS UNITED
48 STATES, MT. WHITNEY; THE OLDEST LIVING TREES, BRISTLE CONE
49 PINES; AND THE SOUTHERNMOST GLACIER, BIG PINE GLACIER.

50 HAVING SAID THAT, WE ARE VERY COMMITTED TO
51 PROTECTING OUR ENVIRONMENT. IN FACT, WE ARE PASSIONATE
52 ABOUT PROTECTING OUR ENVIRONMENT. BECAUSE OF OUR VASTNESS,

1 AND BECAUSE OF OUR SPARSENESS, IT TAKES US A LITTLE LONGER
2 SOMETIMES, AND IT'S A LITTLE HARDER TO GET THINGS DONE, BUT
3 WE DO GET THINGS DONE. WE DO ACCOMPLISH WHAT WE SET OUT TO.

4 WE DO APPRECIATE THE EFFORTS THAT YOU'VE MADE
5 AND THE HELP THAT YOU'VE GIVEN IN THE PAST.

6 WHEN THE BOARD FOUND OUT THAT THIS WAS ON THE
7 AGENDA WE WERE DISMAYED, TO SAY THE LEAST. AND SINCE THAT
8 TIME, WHICH HAS BEEN ABOUT A MONTH'S TIME, WE HAVE WORKED
9 VERY DILIGENTLY WITH STAFF TO REORGANIZE OUR OPERATIONS.
10 AND AS YOU'LL BE HEARING IN JUST A MOMENT, REAL BRIEFLY,
11 FROM OUR COUNTY ADMINISTRATOR, HE HAS TAKEN SOME DIRECT
12 RESPONSIBILITY FOR MANAGEMENT AND OVERSIGHT IN THIS CRITICAL
13 TIME PERIOD.

14 WE DO HAVE ONE ISSUE THAT MR. MENDEZ WILL
15 ELABORATE ON, AND THAT IS THE LEASE WITH THE DEPARTMENT OF
16 WATER AND POWER. SOME OF YOU MAY KNOW OUR HISTORY IN
17 NEGOTIATING WITH THE DEPARTMENT OF WATER AND POWER, IT'S
18 LONG AND COLORFUL, AND I'M NOT GOING TO BORE YOU WITH THAT
19 TODAY. I WILL SAY THAT WE HAVE GOOD NEWS, WE ARE HOPEFUL,
20 BUT THE CAVEAT IS WE ARE WORKING WITH DWP. AND MR. MENDEZ
21 WILL GIVE YOU A LITTLE MORE ON THAT.

22 THANK YOU. AND PLEASE, COME VISIT. I HEARD
23 SENATOR ROBERTI SAY THAT HE'D LIKE TO GET OUT AND VISIT THE
24 JURISDICTIONS. PLEASE COME OVER TO THE QUIET AND BEAUTIFUL
25 OF CALIFORNIA.

26 ARE THERE ANY QUESTIONS?

27 CHAIRMAN EATON: I HAVE ONE QUESTION. YOU MADE A
28 COMMENT THAT YOU FOUND OUT A MONTH AGO THAT YOU WERE ON THE
29 AGENDA ITEM.

30 MS. BEAR: WE FOUND OUT A MONTH AGO ABOUT SOME OF
31 THE ISSUES BEFORE THAT PLACED US ON THE AGENDA.

32 CHAIRMAN EATON: BUT YOU WERE AWARE THAT THE
33 PROBATIONARY STATUS DID END DECEMBER 31ST, 1998.

34 MS. BEAR: YES, I WAS.

35 CHAIRMAN EATON: OKAY. SO IT WAS NOT TO IMPLY
36 THAT SOMEHOW WE DIDN'T INFORM YOU OF THE PROBATIONARY STATUS
37 CEASING ON DECEMBER 31ST, 1998, AND THAT YOU HAD TO HAVE
38 COMPLIANCE BY THAT DATE.

39 MS. BEAR: NO IMPLICATIONS MEANT.

40 CHAIRMAN EATON: OKAY. JUST TO BE SURE.

41 MS. BEAR: MR. MENDEZ.

42 MR. MENDEZ: GOOD AFTERNOON, RENE MENDEZ, COUNTY
43 ADMINISTRATOR FOR THE COUNTY OF INYO. I HAVE SOME REALLY
44 BRIEF STATEMENTS.

45 AND FIRST OF ALL, I'D LIKE TO START BY
46 THANKING ALL THE INTEGRATED WASTE MANAGEMENT STAFF THAT HAVE
47 HELPED THE COUNTY OVER THE LAST SEVERAL YEARS -- GABE,
48 JULIE, SHARON, MICHAEL AND SO FORTH -- THEY'VE BEEN REALLY
49 HELPFUL. I'D ALSO LIKE TO THANK YOUR BOARD FOR SOME OF THE
50 WORK YOU'VE DONE ON BEHALF OF THE COUNTY.

51 VERY BRIEFLY, WHY ARE WE DIFFERENT THIS TIME?
52 LET ME JUST EMPHASIZE THAT.

1 THE ISSUE WITH THE LEASE WITH THE DEPARTMENT
2 OF WATER AND POWER -- WE'VE BEEN ABLE TO RESOLVE AN
3 INSURANCE ISSUE THAT CAME UP IN THE LAST SEVERAL MONTHS, SO
4 WE EXPECT TO MOVE FORWARD ON THE LEASE, WHICH WILL KNOCK OUT
5 -- LIKE BOARD MEMBER JONES SAID -- BISHOP-SUNLAND AND A FEW
6 OTHERS.

7 THE OTHER ISSUES WERE COMMITTING MORE
8 RESOURCES, AND SORT OF -- I THINK WE'RE KIND OF BETWEEN
9 THIRD BASE AND HOME PLATE, FOR THOSE OF YOU THAT FOLLOW
10 BASEBALL OR ANYTHING ELSE. WE'RE ALMOST THERE. AND SO
11 WE'RE COMMITTING ADDITIONAL RESOURCES THERE.

12 AND THIRD, WE'RE SETTING UP MUCH MORE OF A
13 TEAM APPROACH RIGHT NOW AT THE VERY END, SO WE CAN DO
14 CONCURRENT REVIEW OF THE DOCUMENTATION BETWEEN THE OPERATOR
15 AND THE LEA, THE LOCAL LEA. AND TALKING TO MR. KENNEDY, OUR
16 ENVIRONMENTAL HEALTH DIRECTOR, AND MR. HURD, THE DEPUTY
17 DIRECTOR OF ENVIRONMENTAL HEALTH, WE'VE SET UP A PROCESS IN
18 PLACE TO BE ABLE TO TURN AROUND THOSE DOCUMENTS VERY
19 QUICKLY.

20 AND, FINALLY, EXECUTIVE MANAGEMENT OF THE
21 COUNTY IS GOING TO HAVE A VERY HANDS-ON APPROACH, BOTTOM
22 LINE. MY NECK IS OUT. AND SO THAT'S THE WAY WE'RE GOING TO
23 APPROACH IT.

24 AND WE'VE SUBMITTED SOME DATES TO YOU, AND I
25 STAND BEFORE YOU AND WOULD BE HAPPY TO ANSWER ANY QUESTIONS
26 OR PROVIDE YOU WITH ANY MORE INFORMATION THAT YOU MIGHT
27 HAVE. THANK YOU.

28 CHAIRMAN EATON: IS THERE ANY QUESTIONS OF MR.
29 MENDEZ? OKAY.

30 I ALSO HAVE MR. HURD, IF HE DESIRES TO SPEAK.
31 OKAY.

32 MR. JONES?

33 I'M SORRY, GO AHEAD. PRESS THE BUTTON, THERE
34 WE GO. THANK YOU VERY MUCH.

35 MR. HURD: I'M SORRY. I'M BOB HURD, I'M THE INYO
36 COUNTY LEA. I'D LIKE TO SECOND WHAT THE OTHERS HAVE SAID,
37 IN THAT, YOU KNOW, THERE'S A LOT OF HISTORY HERE, AND YOU
38 FOLKS COUNTED ON US AND TO SOME DEGREE WE'VE LET YOU DOWN,
39 AND I APOLOGIZE FOR THAT.

40 I'D LIKE TO MAKE REFERENCE TO THE VERY LAST
41 EXTENSION PERIOD, FROM JULY, 1998, TO CURRENT, THIS HAS BEEN
42 PROBABLY THE MOST PRODUCTIVE PERIOD. ALTHOUGH WE DID FALL
43 SHORT, THERE'S A NUMBER OF ACCOMPLISHMENTS THAT WERE -- TOOK
44 PLACE DURING THIS PERIOD.

45 A LOT OF THAT HAD TO DO WITH THE COOPERATION
46 OF BOARD STAFF. AND I MAKE REFERENCE TO SPECIFIC ITEMS
47 RELATING TO BISHOP-SUNLAND SOLID WASTE SITE. WE HAD YOUR
48 HELP IN REMEDIATING THE PROBLEM WITH 300,000 TIRES, WE THANK
49 YOU FOR THAT, THAT WAS AN AWESOME TASK. THE END RESULT HAS
50 HAD MINIMAL IMPACTS ON THE SITE. YOU CAN HARDLY TELL THAT
51 THERE WERE EVER ANY TIRES THERE.

52 WE HAD A LOT OF TECHNICAL ADVICE ON MANAGING

1 OUR GREEN WASTE, WE NO LONGER HAVE ANY PROBLEMS WITH GREEN
2 WASTE.

3 WE BASICALLY ARE AT A POINT WHERE, WITH THAT
4 SOLID WASTE FACILITY'S PERMITS WHICH WAS SUBMITTED AS A
5 DRAFT IN NOVEMBER, THAT ALL OF THE ISSUES ARE PRETTY MUCH
6 RESOLVED.

7 WE TALKED ABOUT THE LEASE AGREEMENT, IT LOOKS
8 LIKE THAT'S GOING TO BE TAKEN CARE OF VERY SHORTLY.

9 WE NO LONGER HAVE ANY MINIMUM STANDARD
10 VIOLATIONS. JUST RECENTLY WE HAVE PREVENTATIVE LITTER
11 CONTROL, SOME PORTABLE LITTER FENCING HAS BEEN PROVIDED NOT
12 ONLY AT BISHOP-SUNLAND, BUT AT INDEPENDENCE AND LONE PINE
13 SITES AS WELL.

14 THE WASTE FOOTPRINT ISSUE HAS BEEN RESOLVED.

15 AND, SO THAT SOLID WASTE FACILITIES PERMIT
16 SHOULD BE IN A POSITION TO GO FORWARD. THAT'S OUR MAJOR
17 HURDLE, THAT'S OUR MOST COMPLICATED SITE.

18 THE OTHERS THAT WOULD FOLLOW WILL BE MUCH
19 SIMPLER AS FAR AS TASKS GO. AND SO IT LOOKS LIKE, AS MR.
20 MENDEZ MENTIONED, WE'RE ABOUT HALFWAY BETWEEN THIRD BASE AND
21 HOME PLATE.

22 I'D LIKE TO COMPLIMENT THE SPIRIT OF
23 COOPERATION THAT CAME OUT OF THE MEETINGS AT LAKE TAHOE IN
24 MAY, AND BASICALLY WE'VE HAD A LOT OF HELP FROM BOARD STAFF
25 AS FAR AS WRITING OR EDITING RDSI'S. THIS TYPE OF TECHNICAL
26 ADVICE HAS BEEN VERY, VERY BENEFICIAL TO US. AND, WHATEVER
27 COMES OF THIS TODAY, WE WOULD HOPE THAT THAT SPIRIT OF
28 COOPERATION CAN CONTINUE, BECAUSE I THINK IT WILL HELP US TO
29 GET THROUGH THIS PROCESS AS QUICKLY AS POSSIBLE.

30 AND, THANK YOU VERY MUCH.

31 CHAIRMAN EATON: QUESTIONS OF MR. HURD? COMMENTS?
32 MR. CHANDLER.

33 MR. CHANDLER: YEAH, I DO HAVE A QUESTION, AND I
34 THINK I JUST NEED MORE CLARIFICATION, AND I DON'T KNOW IF
35 IT'S THROUGH MR. JONES, IS HIS UNDERSTANDING OF HOW THEY MAY
36 BE PROPOSING TO SET UP THIS ARRANGEMENT. SO MAYBE IT'S FOR
37 MR. MENDEZ OR MR. HURD.

38 BUT, FOR THE BOARD'S BENEFIT, AS YOU KNOW, WE
39 HAVE REQUIREMENTS IN STATUTE THAT ENSURE THAT WE TRY TO HAVE
40 A SEPARATION BETWEEN THE LEA, WHO MAY REPORT TO THE
41 ENVIRONMENTAL HEALTH DEPARTMENT, IN ANY WAY BEING IN THE
42 REPORTING STRUCTURE OF THE SIDE OF THE HOUSE THAT WOULD
43 ACTUALLY MANAGE LANDFILLS.

44 AND IF WE ARE HAVING A PROPOSAL THAT'S GOING
45 TO HAVE THE CHIEF EXECUTIVE OFFICER NOW TAKE OVER, I WOULD
46 JUST LIKE TO MAKE SURE THAT WE LOOK AT WHETHER OR NOT
47 THERE'S GOING TO BE ANY CONFLICT WITH STATUTE THAT WOULD
48 ESSENTIALLY HAVE THE OPERATIONAL SIDE REPORTING ON THE
49 PROGRESS, AS WELL AS THE SAME INDIVIDUAL OVERSEEING THE
50 ENVIRONMENTAL HEALTH PROGRESS, THAT -- AS YOU KNOW, WE HAVE
51 HISTORICALLY, AND AGAIN, AS I REFERENCED STATUTE -- HAVE A
52 PROHIBITION IN THAT AREA.

1 SO, I HAVEN'T QUITE UNDERSTOOD HOW THIS NEW
2 CONFIGURATION IS GOING TO BE LAID OUT, BUT I JUST RAISE IT
3 AS AN ISSUE, THAT WE NEED TO BE CAREFUL AS WE MOVE DOWN THIS
4 POTENTIAL PATH.

5 MEMBER JONES: MR. CHAIRMAN?

6 CHAIRMAN EATON: MR. JONES.

7 MEMBER JONES: ONE OF THE THINGS -- I DON'T THINK
8 THE CAO IS GOING TO TAKE OVER THE LEA'S FUNCTION. WHAT GAVE
9 ME A COMFORT LEVEL, IS HE'S GOING TO TAKE OVER THE ACTUAL
10 OPERATIONS OF THE LANDFILL, SO HE WON'T BE DEALING WITH THE
11 LEA. THE LEA'LL STILL BE PART OF THAT TEAM THAT'S GOING TO
12 HAVE TO REPORT TO GABE.

13 THE PROBLEMS IN INYO COUNTY DEAL WITH --
14 THEY'RE OPERATIONAL IN NATURE. THEY NEED TO HAVE A HIGHER
15 LEVEL OF CONCERN ABOUT THE -- ABOUT MEETING THE DEADLINES
16 AND THAT. AND THAT WASN'T THE LEA'S FUNCTION, THAT WAS
17 SOMEBODY THAT WORKED OUT OF THEIR SHOP THAT WAS IN CHARGE OF
18 THE OPERATIONS. AND NOW, AS I UNDERSTAND IT, THE CAO IS
19 GOING TO TAKE OVER THAT RESPONSIBILITY.

20 MR. MENDEZ: AND IF I MAY, TO CLARIFY THAT
21 FURTHER, THE COUNTY OF INYO IS STRUCTURED IN SUCH A WAY THAT
22 IT'S CONSIDERED A WEAK EXECUTIVE POSITION. AND WHAT I MEAN
23 BY THAT IS THAT THE DEPARTMENT HEADS REPORT DIRECTLY TO THE
24 BOARD OF SUPERVISORS. SO, THE ENVIRONMENTAL HEALTH
25 DIRECTOR, MR. BOB KENNEDY, WHO'S HE LEA, REPORTS DIRECTLY TO
26 THE BOARD OF SUPERVISORS, NOT TO MY OFFICE. SO, FROM THAT
27 PERSPECTIVE, THERE IS NO REPORTING DIRECTLY TO THE CAO. SO
28 THAT'S -- I WANT TO MAKE THAT VERY CLEAR, BECAUSE WE ARE
29 COGNIZANT OF THAT CONFLICT. IN FACT, I'D LIKE TO BRAG, WE
30 HAVE ONE OF THE MOST CONSERVATIVE COUNTY COUNCILS IN THE
31 STATE WHO REMINDS ME OF THAT ON A DAILY BASIS.

32 IN ADDITION TO THAT, AS FAR AS ME TAKING
33 DIRECT OVERSIGHT, THE OFFICE -- THE COUNTY ADMINISTRATOR'S
34 OFFICE IN INYO COUNTY HAS A VARIETY OF FUNCTIONS UNDERNEATH
35 IT, ALL THE WAY UP TO LIBRARIES. AND ESSENTIALLY, I'M
36 TAKING THE -- JUST OVERSEEING MY MANAGER MORE DIRECTLY, AND
37 I WILL BE SORT OF THE MANAGER OF THE OPERATIONAL SITE. SO,
38 FROM THAT PERSPECTIVE, THAT'S WHAT WE MEAN BY ME TAKING A
39 MORE DIRECT APPROACH ON THE OPERATIONAL SIDE OF THE SOLID
40 WASTE PROGRAM IN INYO COUNTY.

41 MR. CHANDLER: THAT ANSWERS MY CONCERNS. THANK
42 YOU, MR. MENDEZ.

43 CHAIRMAN EATON: MR. JONES.

44 MEMBER JONES: I HAD ONE QUESTION THAT CAME UP,
45 BECAUSE NOW I MIGHT HAVE CONCERNS.

46 CHAIRMAN EATON: DIRECTED TO WHOM?

47 MEMBER JONES: TO RENE.

48 CHAIRMAN EATON: OKAY. MR. MENDEZ. THANK YOU.

49 MEMBER JONES: WHEN YOU TALK ABOUT YOUR MANAGER,
50 ARE YOU TALKING ABOUT THE GUY THAT'S AT THE SITE?

51 MR. MENDEZ: NO.

52 MEMBER JONES: YOU'RE TALKING ABOUT THE GUY THAT

1 CAME HERE AND TOLD US THAT INYO COUNTY WAS WORKING ON THE
2 SITING ELEMENT AT A FEVERISH PACE?
3 MR. MENDEZ: CORRECT.
4 MEMBER JONES: AT WHICH POINT I TOLD HIM THOSE TWO
5 WORDS PROBABLY SHOULDN'T BE USED IN THE SAME SENTENCE?
6 MR. MENDEZ: THAT'S THE PERSON I'M TALKING ABOUT.
7 MEMBER JONES: ALL RIGHT. BECAUSE YOU KNOW WHERE
8 MY CONCERNS ARE.
9 MR. MENDEZ: YES.
10 MEMBER JONES: MY CONCERNS ARE THAT WE KEEP
11 HEARING EXCUSES. SO, AND YOUR COMMITMENT TO ME IS -- AND
12 I'M -- AND TO THIS BOARD, I AM ASSUMING THAT THAT IS NOT
13 GOING TO BE IN THE VOCABULARY ANYMORE.
14 MR. MENDEZ: WE HAVE NOT GIVEN YOU A SINGLE EXCUSE
15 TODAY.
16 MEMBER JONES: OKAY.
17 MR. MENDEZ: SO, AND WE'RE NOT GOING TO GIVE YOU
18 ANY ONES IN THE FUTURE.
19 MEMBER JONES: ALL RIGHT.
20 CHAIRMAN EATON: GENTLEMEN, WHAT'S YOUR PLEASURE?
21 MR. JONES, YOU HAD SORT OF BIT YOUR TONGUE A LITTLE BIT
22 BEFORE GOING TOO FAR, BUT OBVIOUSLY I SAW THE MIND WORKING,
23 SO.
24 MEMBER JONES: MR. CHAIRMAN, I WANT TO TAKE A SHOT
25 AT THIS, AND YOU GUYS ARE GOING TO HAVE TO PLAY WITH THIS
26 RESOLUTION AS YOU GO.
27 BUT, I WANT TO MAKE A MOTION THAT THE
28 INTEGRATED WASTE MANAGEMENT BOARD TAKES OVER AS THE E.A.
29 EFFECTIVE TODAY. BUT, THAT WE DO NOT -- THAT WE HOLD THAT
30 IN SUSPENSE UNTIL JULY 15TH. AND THAT INYO COUNTY REPORT TO
31 YOU, GABE, OR WHOEVER MS. NAUMAN DETERMINES THEY NEED TO
32 REPORT TO, ON A MONTHLY BASIS TO TELL US WHERE THEY ARE IN
33 THE PROCESS. AND, SHOULD THEY NOT MAKE THEIR -- THEIR
34 ESTABLISHED GOALS, WHICH THEY GAVE US YESTERDAY -- BY THE
35 15TH, THEN WE WILL ASSUME ACTUAL RESPONSIBILITY EFFECTIVE
36 THE 16TH.
37 SO, WE ARE THE E.A. TODAY, WE'RE HOLDING IT
38 IN SUSPENSE UNTIL JULY 15TH. DEPENDENT UPON THAT, THE
39 OUTCOME OF THEIR PROGRAMS AND THEIR COMPLIANCE SCHEDULE,
40 WE'LL DETERMINE WHETHER OR NOT WE TAKE A MORE ACTIVE -- OR,
41 TAKE A HANDS-ON ROLE.
42 THE OTHER THING IS -- AND I AM NOT SURE HOW
43 WE'D DO THIS -- IF IT IS THE FINDING OF P&E THAT THEY HAVE
44 MET ALL OF THE OUTSTANDING ISSUES, I THINK MY MOTION WILL
45 SAY THAT YOU WILL REPORT TO THE EXECUTIVE DIRECTOR THAT, IN
46 FACT THEY HAVE. AND THAT WOULD SUSPEND, UNTIL THE NEXT
47 BOARD MEETING, OR WHATEVER BOARD MEETING IT WOULD HAVE TO BE
48 SCHEDULED FOR, FOR US TO REMOVE THAT DESIGNATION OF E.A.
49 CHAIRMAN EATON: MR. JONES, I'D JUST LIKE TO MAKE
50 A COMMENT BEFORE WE MOVE INTO THE MOTION.
51 MEMBER JONES: SURE.
52 CHAIRMAN EATON: UNLESS OTHER BOARD MEMBERS HAVE A

1 COMMENT FIRST?

2 FIRST AND FOREMOST, I WANT TO SAY THAT I KNOW
3 YOU HAVE A LOT OF TIME INVESTED IN THIS, YOU'VE PUT ON A LOT
4 OF MILES, ET CETERA, AND I THINK THAT, YOU KNOW, THE COUNTY
5 HAS TRIED TO DO ITS BEST. AND TODAY, I THINK, OFFERING NO
6 EXCUSES IS A WELCOME PROVISION.

7 I DO, HOWEVER, FEEL THAT, YOU KNOW, IT'S KIND
8 OF LIKE THE THREE STRIKES LAW, YOU GET TWO PROBATIONS, AND
9 WHAT KIND OF MESSAGE DOES THAT SEND OUT THERE TO THE
10 INDIVIDUALS WITH THIS REGARD. I DON'T THINK IT'S A GOOD
11 ONE. HOWEVER, IT SEEMS THAT WHAT'S REMAINING CAN BE TAKEN.

12 HOWEVER, I THINK WHAT WE OUGHT TO TAKE A LOOK
13 AT, IF WE'RE GOING TO DO IT -- AND I'VE GOT TWO QUESTIONS,
14 ONE ABOUT, YOU KNOW, HOW THE RESOLUTION'S FRAMED. BUT, IF
15 YOU WOULD CONSIDER THE FACT THAT IT BECOME EFFECTIVE JULY
16 1ST, BECAUSE THAT WOULD GIVE US AN OPPORTUNITY AT THE JUNE
17 BOARD MEETING TO GET A REPORT FROM GABE AS TO THE STATUS. I
18 THINK THAT'S REALLY IMPORTANT AS WE GO BACK THROUGH. I
19 DON'T THINK WE SHOULD TAKE EFFECT AND NOT HAVE SOME SORT OF
20 PUBLIC DISCUSSION WITH REGARD TO THE MATTERS THAT ARE STILL
21 OUTSTANDING.

22 SO, I WOULD ASK THAT MAYBE IF WE LOOK AT THE
23 TIME FRAME, THAT BASICALLY -- THAT THE EFFECTIVE DATE, OR
24 WHENEVER WE PROPERLY FRAME THE ISSUE, AND REALLY SUSPENDING
25 BASICALLY THE TAKING OVER UNTIL THAT DATE CERTAIN BE JULY
26 1ST AS OPPOSED TO JULY 15TH --

27 MEMBER JONES: THAT'S FINE.

28 CHAIRMAN EATON: -- AND I THINK -- YEAH.

29 AND, MORE IMPORTANTLY, THAT WE SCHEDULE ON
30 THE JUNE BOARD MEETING AN ITEM AS A PROGRESS REPORT, NOT AS
31 A CONSIDERATION MATTER, OTHER THAN THE FACT -- I'M SORRY --
32 THAT WE WOULD SCHEDULE IN THE JUNE BOARD MEETING THE
33 CONSIDERATION, WHICH IF ALL OF THE THINGS ARE MET THEN WE
34 CAN WITHDRAW WHATEVER ACTION -- OR, WE CAN RESCIND WHATEVER
35 ACTION IS THE PROPER TERM, THAT WE TOOK THIS DAY.

36 BUT I THINK, IN THE MEANTIME, I WOULD LIKE TO
37 FIRST ASK EITHER THE EXECUTIVE DIRECTOR OR LEGAL COUNSEL,
38 PERHAPS LEGAL COUNSEL, FIRST OFF, WHETHER OR NOT WE CAN
39 PROPERLY DO THE PROCEDURE. IN OTHER WORDS, TAKE THE ACTION
40 TODAY AND SUSPEND THE ACTUAL EFFECTIVE DATE OF THAT. AND,
41 SO WHAT IS THE PROPER FRAMING OF THE ISSUE SO THAT WE CAN
42 PUT IT ON THE RECORD.

43 MEMBER JONES: CAN I JUST ASK A QUESTION?

44 CHAIRMAN EATON: SURE, MR. JONES.

45 MEMBER JONES: IN MY MIND IT -- THE ACTION BECOMES
46 EFFECTIVE TODAY, AS E.A., BUT THAT WE HOLD OUR FUNCTION AS
47 E.A. IN SUSPENSE UNTIL JULY 1ST. THAT IS HOW I --

48 CHAIRMAN EATON: SO THEY WOULD BE OPERATING
49 WITHOUT AN E.A. AT ALL --

50 MEMBER JONES: NO, THEY WOULD BE --

51 CHAIRMAN EATON: -- DURING THAT TIME?

52 MEMBER JONES: IT'S SIX OF ONE, HALF A DOZEN OF

1 THE OTHER. BECAUSE WE'RE GOING TO KEEP THEM ON PROBATION --
2 CHAIRMAN EATON: WELL, LET'S JUST FIND OUT FROM
3 LEGAL COUNSEL WHAT'S THE BEST WAY TO FRAME THE ISSUE MIGHT
4 BE.

5 MEMBER JONES: OKAY.

6 CHAIRMAN EATON: JUST SO WE'VE GOT IT.

7 MS. TOBIAS: WELL, I'M COMFORTABLE WITH THE IDEA
8 THAT THE BOARD IS -- AND I GUESS I SEE THIS AS PART OF THE
9 NEGOTIATION PROCESS WITH THIS, THAT THEY WOULD EFFECTUATE
10 IT, BUT SUSPEND IT -- I DON'T THINK THERE'S A PROBLEM WITH
11 THAT.

12 BUT, I DO AGREE THAT I THINK THAT THEY SHOULD
13 COME BACK EITHER ON JULY 1ST OR JUNE 1ST OR SOMETHING.

14 WHAT I'D LIKE TO SEE IS THE BOARD TAKE
15 COMPLETE ACTIONS EACH TIME. SO, I THINK THAT -- RATHER THAN
16 HAVING A SUSPENSION DATE OF JULY 15TH, WHICH WOULD BE IN THE
17 MIDDLE THERE, WHICH JUST AUTOMATICALLY HAPPENS, I'M A LITTLE
18 UNCOMFORTABLE WITH THAT. I'D RATHER SEE THE BOARD TAKE IT
19 BACK UP IN A CONSIDERATION ITEM. I DON'T THINK IT MAKES ANY
20 DIFFERENCE LEGALLY TO THE DATE.

21 BUT, I SEE THAT SENATOR ROBERTI HAS A
22 QUESTION?

23 MEMBER ROBERTI: MY QUESTION IS, IF WE ARE THE
24 E.A., THEN WHAT AUTHORITY DOES INYO COUNTY HAVE?

25 MS. TOBIAS: WHAT I HEAR MR. JONES SUGGESTING IS
26 THAT WE ARE BASICALLY SUSPENDING THAT. I GUESS WHAT I HEAR
27 IS A -- THE -- AN OUTWARD THREAT, IF YOU WILL, THAT THIS IS
28 THE LAST ACTION THAT WE'RE GOING TO TRY. AND THAT WHAT HE'S
29 SAYING IS THAT IT WILL BE REMOVED UNLESS THESE THINGS
30 HAPPEN. SO --

31 MEMBER ROBERTI: SO THEY -- WELL, THEY STILL THEN
32 WOULD BE -- TO TAKE ACTION, WOULDN'T THEY STILL HAVE TO BE
33 THE LOCAL ENFORCEMENT AUTHORITY --

34 MS. TOBIAS: AND I HEAR HIM SAYING THAT. WHAT I
35 HEAR HIM SAYING IS THAT HE IS SAYING THAT, UNLESS AND UNTIL
36 THESE THINGS HAPPEN -- IF THEY DON'T HAPPEN BY THIS DATE THE
37 BOARD WILL TAKE FINAL AUTHORITY. BUT, IN ESSENCE, THEY ARE
38 GIVEN SEVERAL MORE MONTHS TO DO THIS.

39 SO, IT'S A MORE CERTAIN REMOVAL OF THAT
40 RESPONSIBILITY THAN THE POINT OF SAYING, WELL, OKAY, WE'LL
41 GIVE YOU THREE MORE MONTHS. WHICH, YOU KNOW, I THINK THE --
42 PROBATION-WISE, THAT THE COUNTY'S HAD.

43 SO, IF I UNDERSTAND WHAT MR. JONES IS
44 SUGGESTING, I'M COMFORTABLE WITH THAT. WHAT I INTERPRET
45 THAT TO MEAN IS THAT THE BOARD WILL ACT TO DO THAT, BUT
46 UNTIL THAT TIME THAT THE LEA IS STILL THE LEA IN THIS
47 COUNTY, BUT THAT THE COUNTY HAS MADE CERTAIN CHANGES TO
48 THEIR OPERATION.

49 MEMBER JONES: AND THAT WE -- WE'VE GIVEN THREE
50 PROBATIONS, SENATOR, AND TO SEND OUT ANOTHER PROBATION UNTIL
51 JULY, UNTIL THEY GET THIS ONE, DOESN'T STRIKE ME AS.... AND
52 THEN HAVING TO HAVE THIS DOG AND PONY SHOW AGAIN IN JULY IF

1 THEY DON'T MEET IT. IT WOULD SEEM TO ME THAT WE HAVE TO
2 SEND A MESSAGE THAT WE, IN FACT, WILL BE THE E.A. UNLESS YOU
3 DO IT THIS TIME. WE HAVE NEVER DONE THAT.
4 AND I THINK WE HAVE THE POWER TO DESIGNATE
5 ANYWAY. IF WE'RE THE E.A. AND WE HOLD OFF ON TAKING THAT
6 UNTIL JULY 1ST I DON'T THINK THERE'S ANYTHING IN STATUTE
7 THAT SAYS WE CAN'T DO THAT.
8 SENATOR, ARE YOU OKAY? I SEE THE....
9 CHAIRMAN EATON: THOUGHTS, COMMENTS?
10 MS. NAUMAN: MR. CHAIRMAN, IF I MAY JUST ASK FOR
11 SOME CLARIFICATION?
12 CHAIRMAN EATON: SURE.
13 MS. NAUMAN: MR. JONES, DOES YOUR MOTION REFLECT
14 THE SCHEDULE THAT --
15 MEMBER JONES: IT'S GOING TO INCLUDE THEIR LETTER,
16 YEAH.
17 MS. NAUMAN: I'M LOOKING AT -- THIS IS A LETTER --
18 ACTUALLY, IT'S A MEMO TO THE INTEGRATED WASTE MANAGEMENT
19 BOARD FROM THE COUNTY ADMINISTRATOR, DATED MARCH 23RD. AND
20 ON PAGE TWO THERE'S A -- ENTITLED "REQUESTED SUBMITTAL
21 SCHEDULE FOR DOCUMENT REVISION."
22 ARE THESE THE DATES THAT YOU'RE REFERRING TO
23 --
24 MEMBER JONES: YEAH.
25 MS. NAUMAN: -- THAT WOULD GUIDE OUR OVERSIGHT OF
26 THEIR ACTIVITIES?
27 MEMBER JONES: YEAH. I UNDERSTAND THAT SHOSHONE
28 IS JULY 31ST --
29 MS. NAUMAN: RIGHT.
30 MEMBER JONES: -- '99. AND THAT WAS -- YOU KNOW,
31 ONE OF THE REASONS FOR GOING TO JULY 15TH IS HOPEFULLY --
32 HOPEFULLY THEY'D PUSH THAT UP TWO WEEKS.
33 BUT, I DON'T HAVE ANY PROBLEM WITH IT BEING
34 JULY 1ST, THEY'RE JUST GOING TO HAVE TO WORK A LITTLE BIT
35 HARDER TO GET IT DONE BY THAT DATE.
36 MS. NAUMAN: OKAY. ALSO, JUST --
37 MEMBER JONES: THEY HAVE TWO CONSULTANTS NOW.
38 MS. NAUMAN: JUST SO THAT, YOU KNOW, YOU ARE
39 AWARE, GIVEN OUR SCHEDULE FOR PREPARING AGENDA ITEMS. AND IF
40 WE ARE PREPARING TO BRING YOU A PROGRESS REPORT IN JUNE, WE
41 WILL PROBABLY ONLY BE ABLE TO REPORT TO YOU ON ACTIVITIES IN
42 APRIL AND SOME OF MAY. AND THEN THEY'LL HAVE TO BE ABLE TO
43 UPDATE YOU, ALONG WITH THE COUNTY, DURING THE PRESENTATION
44 OF THE ITEM.
45 MEMBER JONES: RIGHT. BUT YOU'LL KNOW THE STATUS
46 --
47 MS. NAUMAN: WE WILL HAVE SOME PROGRESS, YES.
48 MEMBER PENNINGTON: OKAY. WELL, WE HAVE A MOTION
49 ON THE FLOOR, AND I'LL BE HAPPY TO SECOND IT.
50 CHAIRMAN EATON: OKAY. WE HAVE A MOTION --
51 MEMBER JONES: AND IT'S --
52 CHAIRMAN EATON: I'M SORRY, THAT'S RIGHT --

1 MEMBER JONES: AND IT'S BEEN CHANGED, MR. CHAIRMAN
2 --
3 (THE PARTIES SIMULTANEOUSLY SPEAK.)
4 CHAIRMAN EATON: -- I WOULD LIKE TO -- BASICALLY,
5 IF MR. JONES WOULD BE SO KIND ENOUGH TO RESTATE THE MOTION,
6 AND WE'LL TAKE ANOTHER SECOND.
7 IT'S NOT OFTEN I GET TO DO THIS TO HIM.
8 MEMBER JONES: IT'S JUST CRUEL AND UNUSUAL
9 PUNISHMENT.
10 OKAY. THAT --
11 MEMBER PENNINGTON: FOR WHO, YOU OR US?
12 MEMBER JONES: YEAH, FOR YOU GUYS, FOR YOU GUYS.
13 CHAIRMAN EATON: I SECOND THAT. MR. PENNINGTON.
14 I TOLD YOU HE WAS LISTENING.
15 MEMBER JONES: THAT EFFECTIVE TODAY THE INTEGRATED
16 WASTE MANAGEMENT BOARD TAKES OVER AS E.A. THAT WE --
17 MALE VOICE: FOR ENFORCEMENT.
18 MEMBER JONES: FOR ENVIRONMENT. AND THAT WE HOLD
19 THAT POWER IN SUSPENSE UNTIL JULY 1ST, BASED ON THE
20 PERFORMANCE OF INYO COUNTY AND A REPORT BACK TO THIS BOARD.
21 CHAIRMAN EATON: AT THE JUNE BOARD MEETING?
22 MEMBER JONES: AT THE JUNE BOARD MEETING.
23 AND I THINK THAT MY ORIGINAL MOTION INCLUDED
24 REPORTS BACK TO WHOEVER JULIE NAUMAN SAID ON A MONTHLY
25 BASIS.
26 AND IT MAY NOT BE A BAD IDEA FOR YOU TO GIVE
27 THAT TO MR. CHANDLER SO HE CAN INCLUDE IT IN HIS MONTHLY
28 EXECUTIVE DIRECTOR REPORTS, AND THEN WE WON'T GET SIDELINED.
29 AND THAT'S MY MOTION, AS I REMEMBER IT.
30 MEMBER ROBERTI: I HAVE A QUESTION.
31 CHAIRMAN EATON: EXCUSE ME. SENATOR ROBERTI?
32 MEMBER ROBERTI: NOT WANTING TO COMPLICATE THE
33 ISSUE, BUT BACK TO A LITTLE BIT OF WHAT I WAS TALKING ABOUT.
34 IF -- DOES THAT MAKE INYO COUNTY OUR AGENT, IN ANY WAY
35 MAKING IS LIABLE FOR ANY ERRORS THAT THEY MAY --
36 MS. TOBIAS: I WOULD SAY NO. AND I THINK THAT'S A
37 GOOD QUESTION TO HAVE ON THE RECORD. THE WAY I SEE THIS IS
38 THAT WHAT THIS IS, IS -- ALTHOUGH MR. JONES HAS SAID THAT
39 IT'S EFFECTIVE TODAY, THAT REALLY WHAT IT IS, IS IT'S A
40 SUSPENSE TO THAT JUNE BOARD MEETING AND TO JULY 1ST, SO THAT
41 IN ESSENCE THE BOARD IS NOT THE E.A. AT THIS TIME, UNTIL
42 SUCH TIME THAT THE BOARD DECIDES AT THE JUNE MEETING THAT
43 EFFECTIVE JULY 1ST TO TAKE OVER AS THE E.A. IF THESE
44 CONDITIONS ARE NOT MET.
45 MEMBER ROBERTI: OKAY.
46 MS. NAUMAN: BUT I -- THANK YOU FOR CLARIFYING
47 THAT.
48 CHAIRMAN EATON: ANY OTHER QUESTIONS BEFORE MR.
49 PENNINGTON SECONDS THE MOTION?
50 MEMBER PENNINGTON: OKAY, I SECOND IT.
51 CHAIRMAN EATON: SECOND THE MOTION. OKAY. WE
52 HAVE A MOTION BY MR. JONES, A SECOND BY MR. PENNINGTON,

1 REGARDING THE INYO COUNTY EXTENDED PROBATIONARY STATUS.
2 MADAM SECRETARY, WOULD YOU PLEASE CALL THE
3 ROLL?
4 THE SECRETARY: BOARD MEMBERS JONES?
5 MEMBER JONES: AYE.
6 THE SECRETARY: PENNINGTON?
7 MEMBER PENNINGTON: AYE.
8 THE SECRETARY: ROBERTI?
9 MEMBER ROBERTI: AYE.
10 THE SECRETARY: CHAIRMAN EATON?
11 CHAIRMAN EATON: AYE.
12 OKAY, THE HOUR OF 12:35 HAVING ARRIVED, AND
13 THE LUNCH HOUR -- I THINK I CAN SEE NERVOUSNESS IN THE
14 AUDIENCE, I'M SURE IT'S UP HERE AS WELL.
15 I'D LIKE TO JUST MENTION ONE CHANGE FROM THIS
16 MORNING, IF I MAY, IN TERMS OF -- AND YOU MAY WANT TO HEAR
17 THIS BEFORE YOU ALL DASH OUT TO THE LOVELY CUISINE THAT
18 SURROUNDS THIS WONDERFUL BUILDING. THAT, CONTRARY TO WHAT
19 WE TALKED TO BEFORE, AND FOR THE CONVENIENCE FOR THE PEOPLE
20 WHO HAVE COME HERE TODAY, WE WILL NOT BE GOING INTO CLOSED
21 SESSION AT 1:45 BUT, RATHER, WE WILL BE TAKING UP RIGHT
22 WHERE WE LEFT OFF, AND WE WILL BE GOING INTO CLOSED SESSION
23 AT THE END OF TODAY'S PROCEEDINGS IN ORDER THAT THE PEOPLE
24 WHO HAVE EITHER TRAVELED OR HAVE COMMENTS CAN BE
25 ACCOMMODATED.
26 SO, AT 1:45 WE WILL PICK UP WITH AGENDA ITEM,
27 I BELIEVE, NUMBER NINE. OR, EXCUSE ME, NUMBER SEVEN, WHICH
28 WAS -- SENATOR ROBERTI HAD A QUESTION ON. AND I APOLOGIZE.
29 AND HOPEFULLY BY THAT TIME WE WILL HAVE -- FIVE, EXCUSE ME
30 -- I PLAY DICE, WHAT CAN I SAY -- ITEM NUMBER FIVE.
31 THANK YOU. WE STAND IN RECESS UNTIL 1:45.
32 (WHEREUPON, THE LUNCHEON RECESS WAS TAKEN FROM
33 12:35 O'CLOCK P.M. TO 1:45 O'CLOCK P.M.)
34 - - - -
35
36

1 AFTERNOON SESSION

1:45 O'CLOCK P.M.

2 - - - -

3 CHAIRMAN EATON: ALL RIGHTY, WELCOME BACK
4 EVERYONE. HOPEFULLY EVERYONE HAD A GOOD AND ENJOYABLE LUNCH
5 IN THE WONDERFUL SURROUNDING AREAS THAT SURROUND WATT
6 AVENUE.

7 WE'LL PICK UP WHERE WE LEFT OFF. PER OUR
8 REQUEST THIS MORNING, THE ITEM DEALING WITH THE EAST L.A.
9 FACILITY, WE HAVE SOME NEW INFORMATION AND THEY ARE STILL
10 DISCUSSING IT. AND SO RATHER THAN KIND OF DELAY WE'LL GO
11 RIGHT INTO OUR OTHER ITEM AND COME BACK TO THAT AS SOON AS
12 THEY HAVE COMPLETED THEIR DISCUSSIONS.

13 AGENDA ITEM NO. 9: CONSIDERATION OF NEW SITES FOR THE SOLID
14 WASTE DISPOSAL AND CO-DISPOSAL SITE CLEANUP PROGRAM (AB
15 2136)

16 CHAIRMAN EATON: AND TO MOVE ON, THE NEXT ITEM
17 WILL BE ITEM NO. 9, WHICH IS CONSIDERATION OF NEW SITES FOR
18 THE SOLID WASTE DISPOSAL AND CLEANUP PROGRAM UNDER THE 2136
19 PROGRAM OF THE BOARD.

20 AND, BEFORE WE DO THAT, ARE THERE ANY EX
21 PARTE DISCUSSIONS THAT NEED TO GO ON THE RECORD?

22 MEMBER PENNINGTON: I HAVE NONE.

23 MEMBER JONES: I HAD A QUICK DISCUSSION WITH JIM
24 CERMAK.

25 CHAIRMAN EATON: ALL RIGHT. AND I HAD A QUICK
26 DISCUSSION WITH DENISE DELMATIER REGARDING THE TAHOMA
27 (PHONETIC) FIRE AND SOME GENERAL WASTE ISSUES, IN TERMS OF
28 CALENDAR MANAGEMENT, WHAT'S COMING UP IN THE FUTURE.

29 AND SENATOR ROBERTI WILL BE BACK, AND WE'LL
30 ASK HIM WHEN HE GETS HERE.

31 BUT, IN THE MEANTIME, LET'S START WITH ITEM
32 NO. 9, THE 2136 PROPOSED CLEANUP SITES. MR. WALKER.

33 MR. WALKER: CHAIRMAN EATON, MEMBERS OF THE BOARD,
34 MY NAME IS SCOTT WALKER, I'M WITH THE BOARD'S PERMITTING AND
35 ENFORCEMENT DIVISION.

36 IN FEBRUARY WE PRESENTED A
37 DISCUSSION OF POLICY FOR THE SOLID WASTE DISPOSAL AND CO-
38 DISPOSAL SITE CLEANUP PROGRAM, OR THE
39 AB 2136 PROGRAM. WE MADE SOME PROGRESS IN CERTAIN AREAS,
40 AND THE BOARD DIRECTED US TO RESUME BRINGING SOME SITES
41 FORWARD.

42 THERE ARE SOME FURTHER POLICY ISSUES THAT WE
43 HAVE TO BRING BACK TO THE BOARD, AND WE'LL BRING BACK AT A
44 FUTURE BOARD MEETING. AND THESE NARROW INTO SPECIFIC AREAS
45 ON FURTHER FOLLOW UP ON COST RECOVERY CONCERNS, EMERGENCY
46 RESPONSE, AND LANDFILL FIRES. ALSO PROPOSED REGULATIONS
47 WILL AWAIT THE FURTHER RESOLUTION OF SOME OF THESE POLICY
48 ISSUES.

49 WE HAVE FIVE NEW SITES RECOMMENDED FOR BOARD-
50 MANAGED CONTRACT PROJECTS, AND THE TOTAL COST IS
51 APPROXIMATELY -- OR, IS \$655,000.

52 WITH THAT, MARGE ROUCH WILL GIVE A

1 PRESENTATION OF EACH SITE.

2 CHAIRMAN EATON: CONGRATULATIONS ON THE AWARD TWO
3 WEEKS AGO.

4 MS. ROUCH: OH, THANK YOU, THAT WAS VERY NICE.

5 THE FIRST SITE THAT WE WANT TO BRING FORWARD
6 TO THE BOARD FOR CONSIDERATION IS THE CHAPARRAL ROAD ILLEGAL
7 DISPOSAL SITE IN RIVERSIDE COUNTY. THIS IS AN ILLEGAL DUMP
8 SITE ON 10 ACRES OF PRIVATE LAND, AND THERE'S APPROXIMATELY
9 2500 CUBIC YARDS OF MUNICIPAL SOLID AND HOUSEHOLD HAZARDOUS
10 WASTE DUMPED OVER THE PAST SEVERAL YEARS.

11 THE SITE PRIORITIZATION IS A1, AND THE
12 VIOLATION OF THE STATE MINIMUM STANDARDS ARE FOR NUISANCE
13 AND LITTER CONTROL, AND SITE SECURITY. AND ONE OF THE
14 REASONS IT'S AN A1 SITE IS THE RESIDENCES ARE WITHIN 1,000
15 FEET.

16 COST RECOVERY WOULD BE BY THE COUNTY ON
17 BEHALF OF THE BOARD BY PLACING A LIEN ON THE PROPERTY. THE
18 ESTIMATED COST TO THE BOARD WILL BE \$115,000, AND THE --
19 RIVERSIDE COUNTY'S CONTRIBUTION IS FUTURE MONITORING OF THE
20 SITE, ENFORCEMENT IF NECESSARY, AND COST RECOVERY ACTIONS.

21 THE SECOND SITE THAT WE'RE BRINGING FORWARD
22 IS THE GREENFIELD BURN DUMP IN KERN COUNTY. THIS IS
23 REPORTED TO BE THE SECOND LARGEST BURN DUMP IN THE STATE.
24 IT WAS CLOSED IN 1970.

25 POTENTIALLY, IT WAS USED BY THE KERN COUNTY
26 COLLEGE -- KERN COMMUNITY COLLEGE I BELIEVE IT IS, FROM --
27 POSSIBLY FROM 1980 TO '83, FOR FARM EQUIPMENT TRAINING BY
28 THE COLLEGE STUDENTS. BUT THAT -- IT'S REPORTED THAT THAT
29 HAPPENED, BUT IT ISN'T A FOR-SURE THING, WE ARE NOT POSITIVE
30 ABOUT THAT. THERE WAS NO STATE CLOSURE OR POST-CLOSURE
31 REQUIREMENTS IN EFFECT AT THAT TIME, SO WHATEVER WAS DONE BY
32 THE COMMUNITY COLLEGE WAS NOT A VIOLATION.

33 THIS SITE VIOLATION IS AN A1. THE VIOLATIONS
34 ARE -- FOR STATE MINIMUM STANDARDS ARE FOR SITE SECURITY,
35 COVER, DRAINAGE AND EROSION, AND THERE ARE RESIDENCES WITHIN
36 A THOUSAND FEET. THIS SITE HAS EXPOSED BURNED ASH THAT
37 REQUIRES A CAP TO MAKE IT A -- SAFE FOR PUBLIC HEALTH AND
38 SAFETY.

39 THIS SITE HAD SIGNIFICANT WORSENING OF THE
40 EROSION PROBLEM FROM THE 1997-1998 EL NINO STORMS, AND WE
41 HAVE PHOTOGRAPHS OF THAT TO SHOW YOU AFTER I'M THROUGH WITH
42 ALL THE SITES.

43 WE RECOMMEND NO COST RECOVERY OF THIS
44 CATEGORY C-2 (PHONETIC) SITE. THE ESTIMATE COST IS
45 \$450,000. KERN COUNTY'S CONTRIBUTION TO THIS PROJECT IS
46 ESTIMATED AT GREATER THAN \$240,000, WHICH INCLUDES COVER
47 SOIL NEEDED TO BE BROUGHT IN, SITE FENCING, LITTER PICKUP,
48 SURVEYING, LAB TESTING, AND PRELIMINARY DESIGN.

49 I DO WANT TO SAY, REGARDING KERN COUNTY, THEY
50 HAVE BEEN VERY PROACTIVE IN THEIR BURN DUMP CLEANUPS. THEY
51 HAVE BOUGHT PROPERTY BACK THAT HAS BEEN ESTABLISHED AS --
52 THE BURN DUMPS HAVE BEEN CREATED BY THE COUNTY IN THE PAST,

1 AND THEY ARE BUYING THOSE PROPERTIES BACK IN ORDER TO
2 REMEDIATE THEM AND TAKE RESPONSIBILITY FOR THEM. I BELIEVE
3 THEY HAVE 54 BURN DUMPS THEY ARE ACTING ON -- THEY HAVE
4 ACTED, OR ACTING ON ABOUT 12 OF THOSE, AND PLAN TO DO ALL OF
5 THEM. AND THIS IS ONE OF THE ONES THEY'RE ASKING US TO HELP
6 THEM ON.

7 THE NEXT SITE IS HIGHWAY 37, ILLEGAL DISPOSAL
8 SITE IN SOLANO COUNTY. THIS SITE IS AN ILLEGAL
9 DUMP/HOMELESS PEOPLE SITE ON TIDAL WETLANDS ON THE NAPA
10 RIVER. THE PROPERTY IS OWNED BY THE VFW AND HAS BECOME AN
11 AREA FOR THE HOMELESS PEOPLE.

12 THERE ARE APPROXIMATELY 440 CUBIC SOLID WASTE
13 AND HOUSEHOLD HAZARDOUS WASTE -- THERE ARE APPROXIMATELY 440
14 CUBIC YARDS OF WASTE. MOST OF IT IS DEPOSITED IN THE
15 TIDELANDS. THE SITE PRIORITY IS A1, AND THE VIOLATION OF
16 STATE MINIMUM STANDARDS ARE FOR COVER, NUISANCE AND LITER
17 CONTROL. THIS IS AN ENVIRONMENTALLY SENSITIVE AREA WITHIN
18 1,000 FEET OF THE SITE.

19 WE RECOMMEND NO COST RECOVERY. AND THE
20 ESTIMATED BOARD COST WOULD BE \$30,000.

21 THE CITY OF VALLEJO IS COMMITTED TO
22 SURVEILLANCE AND PATROL OF THE PROPERTY, AND NEGOTIATION FOR
23 REDUCTION IN TIPPING FEES THE COUNTY WILL PROVIDE RECYCLING
24 AND DISPOSAL OF THE HOUSEHOLD HAZARDOUS WASTE.

25 THE PROJECT IS THE MT. DIABLO STATE PARK
26 ILLEGAL DISPOSAL SITE IN CONTRA COSTA COUNTY. THIS IS AN
27 ABANDONED RANCH ILLEGAL DUMP SITE ON STATE PARK LAND WITH AN
28 ESTIMATED 700 CUBIC YARDS OF MUNICIPAL SOLID WASTE. THE
29 PROPERTY WAS ACQUIRED BY THE STATE PARKS DEPARTMENT IN THE
30 1980S.

31 THE SITE PRIORITIZATION IS A3, THE VIOLATION
32 OF STATE MINIMUM STANDARDS ARE FOR COVER, NUISANCE AND
33 LITTER CONTROL. IT BECOMES A THREE BECAUSE THE RESIDENCES
34 AND THE ENVIRONMENTAL AREAS ARE GENERALLY GREATER THAN A
35 MILE FROM THAT SITE. HOWEVER, THE PUBLIC HAS THE POTENTIAL
36 FOR CONTACT WITH THE WASTE BECAUSE IT'S FAIRLY CLOSE TO THE
37 HIGHWAY, OR THE ROADWAY THAT GOES INTO THE PARK.

38 WE RECOMMEND NO COST RECOVERY. THIS AGENCY
39 IS IN A FISCAL CRISES RIGHT NOW. AND THE ESTIMATED COST TO
40 THE BOARD IS \$50,000. THE COUNTY LEA HAS PROVIDED ONGOING
41 INSPECTIONS. STATE PARKS AND RECREATION JURISDICTION WILL
42 FACILITATE CONTROL OF POTENTIAL FUTURE DUMPING.

43 THE LAST SITE IS THE LIKELY DISPOSAL SITE IN
44 MODOC COUNTY. THIS IS AN INACTIVE ILLEGAL DUMP SITE WITH AN
45 ESTIMATED 30 TONS OF SCRAP METAL AND AUTOMOBILES, AND SOME
46 MUNICIPAL SOLID WASTE.

47 THE PRIORITIZATION IS A3, THE VIOLATION OF
48 STATE MINIMUM STANDARDS ARE FOR COVER, NUISANCE AND LITTER
49 CONTROL. THIS IS WITHIN THE PIT RIVER ENVIRONMENTAL
50 SENSITIVE DRAINAGE AREA.

51 WE RECOMMEND NO COST RECOVERY, AND THE REASON
52 FOR THAT IS THAT THE BLM IS PARTNERING WITH US ON THIS

1 PROJECT. WE ESTIMATE THE BOARD WILL BE SPENDING \$10,000 TO
2 DO THIS PROJECT, BUT OUR ACTUAL COSTS WILL BE \$5,000 BECAUSE
3 THE BLM WOULD BE PAYING US BACK FOR THE OTHER \$5,000, THEY
4 WILL BE MATCHING THIS CLEANUP. THE BLM WILL BE RESPONSIBLE
5 FOR POST-PROJECT SIGNAGE, SURVEILLANCE, AND PATROLLING THE
6 SITE, AND EROSION CONTROL.

7 IF THIS WORKS OUT WITH THE BLM, WE THINK
8 THERE IS POTENTIAL FOR DOING OTHER PROJECTS WITH THEM,
9 PARTNERING WITH THE BLM.

10 IN THE AUDIENCE WE HAVE LYNN BEURMANN FROM
11 KERN COUNTY, SHOULD YOU HAVE QUESTIONS ON THE GREEN FILL
12 SITE. AND I BELIEVE SHE WOULD LIKE TO SPEAK TO YOU AND SHOW
13 YOU HER PICTURES FROM EL NINO. AND WE HAVE STEVE MOLICE
14 (PHONETIC), THE LEA FOR THE CHAPARRAL SITE IN RIVERSIDE
15 COUNTY. MR. LARRY FERRY, THE PARK SUPERINTENDED IS HERE FOR
16 THE MT. DIABLO STATE PARK SITE, AND DICK FORRESTER
17 (PHONETIC) IS HERE FOR THE LIKELY SITE AS A REPRESENT OF THE
18 BLM.

19 IF YOU HAVE ANY QUESTIONS I'D BE HAPPY TO
20 ANSWER THEM.

21 CHAIRMAN EATON: MEMBERS, ANY QUESTIONS?

22 MEMBER PENNINGTON: WELL, THE ONLY QUESTION I
23 WOULD HAVE, MR. CHAIRMAN, IS WE'VE GOT A STATE AGENCY AND
24 THE FEDERAL GOVERNMENT INVOLVED IN IT, I DON'T KNOW WHY
25 THEY'RE NOT PAYING.

26 CHAIRMAN EATON: YOU'RE SPEAKING TO THE CHOIR, YOU
27 KNOW, I'M GETTING READY TO GO THERE. BUT I -- BECAUSE I DID
28 -- YOU KNOW, YOU TOOK THE -- IT CAN PERHAPS CAN BE BETTER
29 DIRECTED....

30 MY UNDERSTAND IS THAT THE SECOND ITEM, WITH
31 REGARD TO THE BLM IS A MATCH, ALTHOUGH IT'S NOT CLEARLY
32 STATED IN THE AGENDA ITEM, BUT IT IS SOMETHING THAT WAS
33 EXPLAINED.

34 BUT THE OTHER ONE IS -- WE HAVE ACTUALLY
35 THREE ENTITIES, IF YOU WOULD INCLUDE KERN COUNTY AS A
36 GOVERNMENTAL AGENCY.

37 MEMBER PENNINGTON: YEAH, I CERTAINLY WOULD, I
38 THINK --

39 CHAIRMAN EATON: SO THAT'S THREE.

40 MEMBER PENNINGTON: BUT THE -- YEAH. YEAH, I --
41 FINE I --

42 CHAIRMAN EATON: SO PERHAPS YOU CAN RESPOND TO MR.
43 PENNINGTON, OR PERHAPS....

44 MS. ROUCH: WELL, I THINK PERHAPS THE FOLKS WHO
45 REPRESENT THESE PROJECTS MIGHT SPEAK BETTER FOR THEM THAN I
46 CAN REGARDING THEIR FINANCIAL SITUATION. WOULD THAT BE ALL
47 RIGHT?

48 CHAIRMAN EATON: SURE. I THINK THERE'S A POLICY
49 ISSUE. IF, AS YOU REMEMBER, PART OF WHAT WE WANTED TO DO
50 HERE WAS TO SORT OF USE THIS AS AN EXPERIMENTAL KIND OF
51 FLESHING OF ISSUES AS THEY ARISE, SO I THINK THAT THIS IS
52 JUST ONE OF THOSE ISSUES.

1 SO, I GUESS THE GREATER POLICY ISSUE IS,
2 UNDER WHAT CRITERIA ARE WE GOING TO ASK FOR EITHER BOARD-
3 MANAGED PROGRAMS, VERSUS MATCHED, VERSUS LOANS, IN THAT
4 COMBINATION. SO THAT'S WHERE I'M GOING TO GO.

5 AND I DON'T KNOW IF THAT'S WHERE MR.
6 PENNINGTON WANTED TO GO, OR IF HE WANTED TO SPEAK DIRECTLY
7 TO THE JURISDICTION. I'LL LEAVE THAT UP TO HIM.

8 BUT MY QUESTION'S GOING TO BE, TO YOU, HOW DO
9 WE FIGURES THESE THINGS OUT? I MEAN -- BUT I'LL DEFER TO
10 MR. PENNINGTON FIRST BEFORE --

11 MEMBER PENNINGTON: WELL, I THINK THAT -- YOURS IS
12 THE SECOND PART OF MY FIRST PART.

13 BUT MY QUESTION IS, WHY ISN'T THE DEPARTMENT
14 OF PARKS AND REC PAYING \$50,000, AND WHY ISN'T THE BUREAU OF
15 LAND MANAGEMENT PAYING \$10,000? I MEAN, IT'S THEIR LAND,
16 AND IT WOULD SEEM TO ME THAT THEY SHOULD PAY FOR THE
17 CLEANUP.

18 MS. ROUCH: COULD WE ASK MR. LARRY FERRY FROM THE
19 STATE DEPARTMENT OF PARKS AND RECREATION TO --

20 MEMBER PENNINGTON: UM-HUM.

21 CHAIRMAN EATON: I DIDN'T -- THERE HE IS.

22 MR. FERRY: SIR. MY NAME IS LARRY FERRY, I'M THE
23 PARK SUPERINTENDENT FOR MT. DIABLO STATE PARK.

24 AND, IF I UNDERSTAND THE QUESTION, IT'S A --
25 BASICALLY WHY THE DEPARTMENT HASN'T OR CANNOT COVER THIS
26 FUNDING. AND WITHOUT A LOT OF DETAIL, LET ME JUST SAY THAT
27 OVER THE LAST SEVERAL YEARS OUR DEPARTMENT'S BEEN IN A
28 SIGNIFICANT FUNDING SITUATION WHERE THERE'S BEEN LACK OF
29 FUNDS JUST FOR OUR DEFERRED MAINTENANCE PROGRAM. AND SO THE
30 MONEY HAS JUST NOT BEEN THERE.

31 HOWEVER, WE ARE ABLE AND PREPARED, IF THIS
32 FUNDING IS MADE AVAILABLE, TO ASSIST WITH THE PROJECT BY ANY
33 PERMITTING THAT'S NEEDED ALONG THE WAY, AS WELL AS ANY
34 EROSION CONTROL THAT OUR STAFF CAN DO, AND RE-VEGETATION
35 WORK AFTER THE PROJECT IS COMPLETE.

36 MEMBER PENNINGTON: OKAY. WELL, I MEAN, I
37 APPRECIATE THAT. AND THE STATE GOES THROUGH THESE CYCLES
38 WHERE EVERY DEPARTMENT HAS LITTLE MONEY, AND EVEN THE STATE
39 BUDGET IS CRAMPED, AND THERE'S ALL OF THAT SORT OF THING.
40 AND THAT HAPPENS TO US, TOO.

41 AND I JUST -- I'M CONCERNED THAT WE AREN'T,
42 YOU KNOW, STARTING DOWN A PATH HERE OF FINANCING THESE
43 THINGS THAT ARE PART OF STATE GOVERNMENT, THAT THE STATE
44 GOVERNMENT SHOULD BE TAKING CARE OF WITHOUT TAPPING ANOTHER
45 AGENCY. I KNOW THAT'S AN OVERALL QUESTION THAT'S GREATER
46 THAN YOUR PARTICULAR CONCERN, BUT....

47 MR. FERRY: I UNDERSTAND. I WOULD JUST SAY, AT
48 OUR LEVEL WE'VE -- FOR THE LAST SEVERAL YEARS, PROBABLY THE
49 LAST 10 YEARS, WHEN THIS ITEM BECAME AN ISSUE FOR US, HAVE
50 ATTEMPTED EACH YEAR TO GET FUNDING THROUGH THE NORMAL BUDGET
51 PROCESS AND WE JUST HAVE NOT BEEN ABLE TO.

52 MEMBER PENNINGTON: WELL, I APPRECIATE IT, AND I'M

1 NOT HERE TO BEAT YOU UP. I JUST THINK THE WHOLE IDEA THAT,
2 YOU KNOW, WE'RE TRADING TAXPAYERS' DOLLARS FOR -- IN THIS
3 INSTANCE COMING OUT OF THE FEE PAYERS' THAT USE LANDFILLS TO
4 CLEAN UP OUR PARK SYSTEM, WHICH SHOULD BE DONE BY THE
5 TAXPAYERS TO CLEAN UP THE PARK SYSTEMS.

6 I MEAN, AND THE SAME WITH THE BUREAU OF LAND
7 MANAGEMENT. I MEAN, HERE'S A FEDERAL AGENCY THAT -- I
8 APPRECIATE THAT THEY'RE, YOU KNOW, MATCHING OR PUTTING UP 50
9 PERCENT OF THE FUNDING, BUT I MUST QUESTION WHY THEY CAN'T
10 PUT UP THE FULL FUNDING. I MEAN, THE TAXPAYERS -- AGAIN,
11 THE RATE PAYERS IN THE STATE OF CALIFORNIA ARE CLEANING UP A
12 FEDERAL PROGRAM THAT SHOULD BE CLEANED UP BY THE FEDS.

13 BUT I'M NOT HERE TO BEAT YOU UP. THANK YOU.

14 CHAIRMAN EATON: ANY OTHER QUESTIONS?

15 I HAVE A COUPLE OF QUESTIONS FOR MT. DIABLO
16 STATE PARK. AND, TRUST ME, I TRULY DO UNDERSTAND AND -- THE
17 LABORS THAT THE PARK SYSTEM HAS BEEN IN, AND THE STRAINS.
18 ESPECIALLY ON DON MURPHY WHO WAS, UNTIL RECENTLY YOUR
19 DIRECTOR, WHO HAS DONE A REMARKABLE JOB WITH LIMITED
20 RESOURCES. BUT, JUST LET ME ASK A COUPLE OF GENERAL
21 QUESTIONS.

22 DO YOU HAVE ANY RECYCLING BINS AT YOUR STATE
23 PARK?

24 MR. FERRY: WE DO.

25 CHAIRMAN EATON: OKAY. AND WHAT OTHER KINDS OF
26 ITEMS DO YOU HAVE THAT WOULD PERTAIN TO ASSISTING US WITH
27 SOME OF THE DIVERSIONARY REQUIREMENTS WE HAVE?

28 MR. FERRY: I WOULD SAY FOR THE LAST -- IN
29 ADDITION TO OUR PRETTY AGGRESSIVE RECYCLING PROGRAM, OVER
30 THE LAST SIX YEARS WE'VE BEEN INVOLVED IN A PROGRAM TO
31 COVERT ALL OF OUR WOOD SIGN MATERIAL TO RECYCLED POST
32 MATERIAL. WE HAVE A PAPER RECYCLING PROGRAM, AS WELL AS
33 ALUMINUM, GLASS AND THAT SORT OF THING.

34 CHAIRMAN EATON: WITH REGARD TO PERHAPS WHERE THIS
35 SITE IS LOCATED -- OBVIOUSLY, IT'S BEEN IN EXISTENCE FOR
36 SOME TIME.

37 MR. FERRY: IT HAS.

38 CHAIRMAN EATON: AND THEREFORE -- AND WHEN WORK
39 BEGINS -- I MEAN, OBVIOUSLY, I THINK FROM A BACKGROUND -- IS
40 THERE A WAY THAT THIS BOARD CAN GET SOME PERMANENT
41 RECOGNITION, OR RECOGNITION DURING THE SITE IN TERMS OF
42 BEING ABLE TO SAY THAT THIS PROJECT WAS EITHER FUNDED IN
43 PART OR WHATEVER BY THE CALIFORNIA INTEGRATED WASTE
44 MANAGEMENT BOARD? AND LETTING PEOPLE KNOW THE KIND OF WORK
45 THAT THIS BOARD DOES, AND ITS GENEROSITY, MIGHT BE HELPFUL?

46 MR. FERRY: WELL, I'M SURE --

47 CHAIRMAN EATON: I MEAN ADVERTISING IS WHAT I'M
48 ASKING FOR.

49 MR. FERRY: I'M SURE WE CAN DO THAT. AND COUPLE
50 OF WAYS THAT COME TO MIND. ONE WOULD BE SOME SIGNING ALONG
51 THE MAIN ROAD NEAR THE PROJECT SITE, AS WELL AS SOME
52 INFORMATION IN A PUBLICATION THAT GOES OUT TO MOST ALL OF

1 OUR PARK VISITORS ABOUT THE PROJECT AND THE FUNDING.

2 CHAIRMAN EATON: THANK YOU.

3 I THINK JUST A GREATER POLICY ISSUE, NOT
4 RELATED TO THE PARK, IS THAT I THINK -- FOLLOWING UP ON MR.
5 PENNINGTON'S -- IT'S GOING TO BE MY PERSONAL VIEW AS WE GO
6 THROUGH THE POLICY AND WE'RE BACK AT THIS AGAIN, IS THAT
7 THESE ARE THE KINDS OF SITUATIONS WHERE I THINK WE HAVE TO
8 STRUCTURE HOW WE FUND THESE ITEMS. AND IT'S NOT NECESSARILY
9 JUST A STRAIGHT GRANT. BUT I THINK WE NEED TO LOOK AT HOW
10 WE STRUCTURE IT.

11 THIS IS ANOTHER STATE AGENCY. YES, IT HAS
12 HAD HARD TIMES. AND I DON'T THINK WE SHOULD BE IN A
13 SITUATION WHERE WE ARE BEATING THEM UP WHEN WE HAVE THIS
14 KIND OF ISSUE, ESPECIALLY UNDER THE CATEGORIZATION.

15 BUT I THINK ALONE -- AND HOW WE GO BACK
16 THROUGH THESE ITEMS WOULD BE BENEFICIAL. I MEAN, AFTER ALL,
17 THE MORE MONEY THAT WE GET BACK INTO THE POT, I MEAN, THE
18 MORE SITES WE CAN CLEAN UP IN THE FUTURE.

19 IF OUR ONLY ALLOCATION IS \$5 MILLION A YEAR, AND
20 THAT'S WHAT IT IS, OUR FAILURE TO REPLENISH THAT FUND BY ANY
21 MEANS, AND WORKING AS MUCH AS WE CAN -- AND THIS PROJECT, IF
22 IT WAS, YOU KNOW, 50,000 AND IF WE DID A 25/25 OR A 40/10,
23 WE STILL GET SOMETHING BACK IN THE POT. SO THE WHOLE IDEA
24 IS IF THE WHOLE END GOAL IS EVENTUALLY TO TRY AND RESOLVE A
25 LOT OF THESE ABANDONED SITES WE'LL NEVER GET THERE AT THE
26 FIVE MILLION UNLESS WE GO BACK TO ASK THE LEGISLATURE FOR
27 MORE MONEY AS IT PERTAINS TO THE ORIGINAL POT.

28 SO, THE WHOLE UNDERLYING, PHILOSOPHICAL
29 UNDERPINNINGS OF WHY THE LOAN, AND WHY THE MATCH, AND WHY
30 THE GRANTS ARE THERE IN THE STATUTE IS SO THAT WE CAN TRY
31 AND EXPAND UPON IT. AND WE -- OBVIOUSLY WE HAVE SOME
32 STATUTORY BARRIERS. BUT I THINK THAT IT'S IMPORTANT TO SEE
33 THAT.

34 I MEAN, THAT REALLY IS A KEY COMPONENT TO ALL
35 OF THESE, IS HOW WE REPLENISH THAT STOCK. AND IF EACH YEAR
36 FIVE MILLION'S GOING OUT THE DOOR AND WE ONLY GET ZERO BACK,
37 OR IF WE GET \$20,000 BACK, THAT MEANS THAT WE'RE \$4.8
38 MILLION DOLLARS LESS NEXT YEAR, OR THE OUT YEARS, THAT WE
39 CAN GET IT BACK AS REPAYMENT.

40 AND I THINK THAT'S REALLY THE KEY. BECAUSE
41 EACH OF YOU REALLY DO CARE ABOUT THESE SITES. I MEAN, THAT
42 I THINK IS UNDERSTOOD. AND HOPEFULLY THAT'S THE
43 UNDERPINNINGS WHERE WE GO.

44 AND HOW WE STRUCTURE THOSE THINGS I THINK IS
45 REALLY IMPORTANT. I THINK YOU CAN DO THAT. I MEAN, I THINK
46 THE QUESTIONS THAT I ASKED WITH REGARD TO THE STATE PARK
47 SYSTEM ABOUT RECYCLING, I MEAN, I'M VERY HAPPY THAT THEY'RE
48 DOING ALL THESE THINGS. THESE ARE WONDERFUL, AND WE SHOULD
49 SEE WHAT OTHER OPPORTUNITIES WE HAVE.

50 BUT I THINK WE NEED TO LOOK AT THOSE THINGS,
51 IS HOW WE REPLENISH THE FUNDS FROM A POLICY STANDPOINT, AS
52 LONG AS WE'RE LOOKING AT THESE PROJECTS -- AND I'M NOT

1 LOOKING AT MT. DIABLO, BUT ALL OF THE OTHER PROJECTS AS WELL
2 -- TO GET SOME OF THAT MONEY BACK IN.

3 WE NEVER GET AT SOME OF THE OTHER PROBLEMS,
4 WHAT HAPPENS NEXT YEAR IF WE DO HAVE MORE RAINS, AND WE HAVE
5 MORE SITES THAT BECOME PROBLEMATIC? YOU SEE? IF WE'RE
6 STARTING TO GET REPLENISHING OF THE FUNDS SO THAT WE HAVE
7 FIVE MILLION-PLUS, MAYBE WE GET TO PICK UP AN EXTRA SITE OR
8 TWO NEXT YEAR THAT WE WOULDN'T GET TO UNTIL THE THIRD YEAR.
9 AND I THINK THAT'S THE PHILOSOPHY THAT WE LOOK AT.

10 AND, YES, IT'S SOMETIMES HARD TO DO THAT IN
11 YOUR DISCUSSIONS AND NEGOTIATIONS. BUT I ALSO BELIEVE THAT
12 WE HAVE TO AT LEAST SOMEHOW TRY AND DO WHAT'S RIGHT, IN THE
13 SENSE OF TRYING TO REPLENISH IT SO THAT WE CAN HELP MORE
14 RATHER THAN LESS. AND UNDER WHERE WE HAVE, WE HAVE A
15 REGULAR FINITE. AND I THINK FROM A POLICY STANDPOINT THE
16 BOARD'S GOT TO LOOK AT THAT I DON'T KNOW POLICY.

17 AND, ANY OTHER COMMENTS?

18 MEMBER JONES: MR. CHAIRMAN?

19 CHAIRMAN EATON: MR. JONES.

20 MEMBER JONES: I AGREE. I THINK EVERYBODY KNOWS
21 WHERE I'M AT WITH COST RECOVERY. I THINK WE'RE STILL GOING
22 TO HAVE THE POLICY DISCUSSION, I HOPE.

23 BUT ONE OF THE THINGS THAT WE TALKED ABOUT
24 AFTER THE LAST ONE WAS, MAYBE WE COULD JUST TURN THIS THING
25 AROUND AND SAY ALL ITEMS ON 2136 HAVE COST RECOVERY UNLESS
26 STAFF BRINGS FORWARD A REASON NOT TO HAVE COST RECOVERY.
27 THAT WOULD BE AN EASIER WAY TO GET YOUR MONEY BACK. AND
28 THAT KIND OF -- YOU KNOW, THAT TAKES US OUT OF THAT
29 PROVERBIAL BOX THAT I'VE ALWAYS LIKED BEING PUT INTO.

30 ON THE GREENFIELD BURN DUMP ISSUE, THE -- I
31 HAD CALLED, BECAUSE I HAD A PROBLEM WITH THAT WHEN I FOUND
32 OUT THAT -- AND I'M NOT SURE IF IT WAS COMMUNITY COLLEGE OR
33 THE HIGH SCHOOL DISTRICT, I'VE HEARD THAT IT WAS PROBABLY
34 THE HIGH SCHOOL DISTRICT THAT DID IT --

35 CHAIRMAN EATON: DID WHAT?

36 MEMBER JONES: THEY WERE TRAINING KIDS HOW TO USE
37 TRACTORS ON PARTS OF THAT PROPERTY. BUT I HEARD FROM -- MY
38 CONCERN CAME FROM A CLOSED BURN DUMP, IF THEY WERE TILLING
39 THROUGH THAT MATERIAL AND EXPOSING IT, AND THEN WE'RE GOING
40 TO SPEND 450 GRAND AND THEY'RE GOING TO SPEND 250 GRAND TO
41 CLEAN IT -- MAYBE THAT WAS A MORE EXPENSIVE CLASS THAN
42 ANYBODY EVER THOUGHT.

43 BUT, THEY -- I UNDERSTAND FROM DAN PENARO
44 (PHONETIC) AND FROM BOB HAMPTON AND OTHERS, THAT THE CLASSES
45 AND STUFF ACTUALLY DID NOT TAKE PLACE ON THE BURN SITE AREA,
46 THAT IT WAS OFF TO THE SIDE. AND THAT TOOK A LOT OF MY
47 CONCERN AWAY FROM THAT, AND CAN SUPPORT IT NOW. BUT IT JUST
48 SEEMED PRETTY IDIOTIC IF THEY WERE TILLING UP AN OLD BURN
49 DUMP. SO.

50 CHAIRMAN EATON: SENATOR ROBERTI.

51 MEMBER ROBERTI: YEAH, MR. CHAIRMAN, MR. JONES
52 SPARKED MY INTEREST. AND MY FEELING WHEN I FIRST HEARD THIS

1 ITEM IN BRIEFINGS WAS THAT WE SHOULD JUST COME IN
2 AUTOMATICALLY WITH COST RECOVERY, BECAUSE I SHARE YOUR
3 SENTIMENT ON THAT. BUT THEN I HEARD SOME OF THE SPECIFICS
4 AND IT'S KIND OF TOUGH.

5 LIKE A FAILING VFW, I DON'T THINK WE WANT TO
6 GO OUT ON THAT.

7 AND THEN THE OTHER ONE WAS -- AND THEN THE
8 FEDERAL GOVERNMENT -- I MEAN, OBVIOUSLY THEY SHOULD, WE JUST
9 DON'T HAVE THE POWER -- IF THEY'RE GOING TO BE GIVING US THE
10 LAND BECAUSE THEY DON'T WANT TO BE BOTHERED WITH IT ANYMORE.

11 AND SO I KIND OF THINK THAT IT'S -- THESE ARE
12 THE KINDS OF SENSITIVE ISSUES EVERY ONCE IN A WHILE THAT
13 WILL COME UP, THAT MAYBE WE JUST HAVE TO LISTEN TO THESE
14 ONE-BY-ONE OURSELVES.

15 AND, I SHARE YOUR CONCERN THAT IT'S
16 OUTRAGEOUS THAT WE DON'T GET COST RECOVERY, ESPECIALLY FROM
17 THE FEDERAL GOVERNMENT WHO HAS -- WELL, WHICH HAS MONEY FAR
18 IN EXCESS OF WHAT WE DO, AND THEN THEY JUST -- AND THEN THEY
19 WANT TO GIVE US THE PROPERTY AS OUR GIFT SO THAT WE CAN
20 CLEAN UP THEIR MESS.

21 CHAIRMAN EATON: WELL, I THINK THERE'S ANOTHER
22 ISSUE HERE AND I WANT TO BE SURE THAT WE'RE VERY CLEAR ON
23 IT.

24 THERE'S THE ISSUE OF COST RECOVERY, AND
25 THAT'S ACTUALLY GOING AFTER RECOVERY AFTER THE REMEDIATION
26 AND/OR CLEANUP HAS TAKEN PLACE, OR DURING THAT TIME.

27 AND THE PRE-ISSUE AS TO HOW YOU STRUCTURE THE
28 GRANT.

29 MEMBER ROBERTI: YES, YES, NO DOUBT.

30 CHAIRMAN EATON: AND I THINK THAT WE CAN'T GET
31 THOSE TWO MIXED UP BECAUSE THEY ARE DISTINCTLY DIFFERENT, IN
32 TERMS OF HOW YOU STRUCTURE YOUR PARTICULAR PROJECT, AND SOME
33 OF THOSE IN TERMS OF REPLENISHMENT. OBVIOUSLY, COST
34 RECOVERY CAN TAKE TIME-CONSUMING -- TAKES A LOT OF TIME, ET
35 CETERA.

36 AND I WOULD AGREE WITH YOU, THERE'S SOME --
37 YOU KNOW, YOU CAN'T GET, YOU KNOW, WATER OUT OF A ROCK
38 UNLESS YOU'RE IN SOMEPLACE WE'RE NOT YET SURE WHERE THAT IS
39 YET, BUT COULD BE ON ANOTHER PLANET. BUT, AT LEAST THERE
40 ARE OTHER TYPES OF THINGS GOING IN WHERE YOU KNOW.

41 FOR INSTANCE, WE HAD A SITUATION A COUPLE OF
42 MONTHS AGO -- I MEAN, MARGE, YOU'RE GOING TO LOVE ME ON THIS
43 ONE -- BUT, YOU KNOW, WE HAD A REDEVELOPMENT AGENCY THAT WE
44 WERE HELPING WITH IN CLEANING UP THEIR SITE.

45 NOW, OBVIOUSLY, I THINK WE DO ENHANCE THE
46 VALUE OF THAT PROPERTY WHEN IT COMES TO REDEVELOPMENT
47 RIGHTS. AND WE ALL KNOW, AND YOU KNOW AS WELL AS I DO, THAT
48 IN SOME CASES REDEVELOPMENT AGENCIES DO QUITE WELL ONCE THEY
49 HAVE ADDED VALUE. THAT IS A PERFECT ISSUE WHERE WE CAN GO
50 IN, SEEK A MATCH OR SEEK A LOAN AND RECOUP THAT. AND THAT'S
51 SEPARATE AND APART FROM COST RECOVERY.

52 AND THAT'S KIND OF WHERE MY SORT OF, YOU

1 KNOW, PHILOSOPHICAL BENT HAS BEEN. I JUST WANT TO KIND OF
2 KEEP THOSE TO CLEAR. BECAUSE, I MEAN, YOU'RE RIGHT, THEY
3 ARE TOUGH -- TOUGH ISSUES AS WELL.

4 AND, SPEAKING OF THAT, IS WITH REGARD TO THE
5 KERN COUNTY OR THE GREENFIELD, WHAT IS GOING TO HAPPEN TO
6 THAT PROPERTY SUBSEQUENT TO OUR CLEANUP? IS THAT GOING TO
7 BE REDEVELOPMENT, IS THAT GOING TO BE SOME ADDED VALUE?

8 MS. BEURMANN: HI.

9 CHAIRMAN EATON: HI. WELCOME.

10 MS. BEURMANN: MR. CHAIRMAN, MEMBERS OF THE BOARD,
11 I AM LYNN BEURMANN WITH KERN COUNTY WASTE MANAGEMENT
12 DEPARTMENT, I'M HERE REPRESENTING THIS PROJECT.

13 ONE OF -- AS MARGE SAID, KERN COUNTY KNOWS THAT WE
14 EITHER OPERATED AND OWNED OR OPERATED 54 BURN DUMP SITES IN
15 THE OLD DAYS. OF THOSE 54 WE ARE RESPONSIBLE FOR CLEANING
16 UP 52 OF THEM. THERE ARE TWO THAT ARE PARKS AND RECS
17 DEPARTMENT IN KERN COUNTY, THE PARKS AND REC DEPARTMENT'S
18 GOING TO BE HANDLING THEIRS ON THEIR OWN, THE REST ARE WASTE
19 MANAGEMENT'S ISSUES.

20 JUST KIND OF A BRIEF SYNOPSIS. WE TALKED A
21 MINUTE AGO ABOUT -- MEMBERS, DO YOU HAVE THESE PICTURES?

22 MS. ROUCH: YEAH, THEY'RE PROBABLY HARD TO SEE,
23 BUT THEY DO HAVE THEM.

24 MS. BEURMANN: OKAY. AS WE SAID BEFORE, YES, WE
25 DO HAVE AN AGREEMENT IN OUR FILES IN THE OFFICE THAT SAID
26 THAT THE COMMUNITY SCHOOL DISTRICT ALLOWED STUDENTS
27 SUPPOSEDLY TO TRAIN -- TO LEARN HOW TO DRIVE TRACTORS ON
28 THIS SITE IN 1980.

29 WE TRIED TO GET A HOLD OF LLOYD HOCKETT
30 (PHONETIC) FROM THE DISTRICT TO FIND OUT IF THAT EVER
31 ACTUALLY TOOK PLACE, BECAUSE WE HAVE NOTHING IN THE RECORDS
32 ANYWHERE THAT SAYS THAT IT DID. HE WAS NOT ABLE TO BE
33 FOUND, HE'S RETIRED FROM THE DISTRICT.

34 WE DID NOT HAVE ANY VIOLATIONS ON THAT SITE
35 UNTIL LAST YEAR WHEN WE HAD EL NINO FLOOD THE AREA.

36 THE HOUSE THAT YOU SEE IN THE PICTURE IS THE
37 HOUSE -- THE VERY FIRST HOUSE RIGHT WEST OF OUR PROPERTY.
38 WE WERE NOT ABLE TO GO DOWN PANAMA ROAD BECAUSE PANAMA ROAD
39 WAS COMPLETELY FLOODED, WE COULD NOT EVEN GET TO THE SITE TO
40 TAKE PICTURES.

41 IS EVERYBODY LOOKING FOR PICTURES? THEY'VE
42 GOT THEM? OKAY.

43 SO, WHAT WE DID WAS TOOK THE PICTURES OF THE
44 FLOODED AREA OF THE HOMES AND THE FLOODED AREA TO THE SOUTH
45 OF THE SITE. SO, THIS IS WHERE WE HAVE OUR PROBLEMS HERE
46 WITH THIS SITE.

47 IT IS STANDARD PROCEDURE IN KERN COUNTY TO
48 TRY TO REGAIN OWNERSHIP OF THE PROPERTIES THAT WE HAVE SOLD
49 IN THE PAST SO THAT WE WILL MAINTAIN OWNERSHIP ON THE SITES
50 ONCE THEY ARE REMEDIATED.

51 THESE SITES WILL STAY -- ONCE THE
52 REMEDIATIONS ARE COMPLETE WE WILL KEEP THEM AS NON-IRRIGATED

1 OPEN SPACE. OBVIOUSLY THIS ONE RIGHT NOW IS IRRIGATED, BUT
2 NOT BY OUR CHOICE. IF WE HAVE ANOTHER FLOOD WE'RE HOPING
3 THE DRAINAGE PROBLEMS WILL BE CEASED THROUGH THIS
4 REMEDIATION. BUT, NON-IRRIGATED OPEN SPACE IS WHAT THE
5 WATER BOARD EXPECTS US TO DO AT THESE SITES. IF, IN FACT,
6 WE DO ANYTHING WITH THESE SITES WE HAVE TO GET DEPARTMENT OF
7 TOXIC'S APPROVAL, REGIONAL WATER QUALITY BOARD APPROVAL,
8 CIWMB APPROVAL.

9 WE DO HAVE ONE SITE THAT THE WASTE BOARD
10 ASSISTED REMEDIATING WITH US A COUPLE YEARS AGO, WHICH WAS
11 THE ROSEDALE BURN DUMP. WE WERE ABLE TO CONSOLIDATE ALL THE
12 ASH UNDER TWO ASPHALT AREAS, AND THOSE ASPHALT AREAS HAVE
13 NOW BECOME PARKING LOTS, AND EVENTUALLY IT WILL BE A PARK
14 SITE. THE COUNTY IS MAINTAINING OWNERSHIP ON THE SITE. WE
15 ARE GOING TO LEASE, FOR A DOLLAR A YEAR, THE SITE TO THE
16 PARK DISTRICT FOR THE NEXT 20 YEARS FOR THE GRASS AREA WHERE
17 WE DO NOT HAVE ANY ASH.

18 THIS SITE HERE HAS 14 TRENCHES. AND AS MARGE
19 SAID BEFORE, IT WAS -- IN OUR RECORDS, SAYS THAT IT WAS
20 SUPPOSEDLY THE SECOND LARGEST BURN DUMP IN THE STATE OF
21 CALIFORNIA IN THE 1950S.

22 BECAUSE OF THE 14 TRENCHES ON SITE -- AND THE
23 TRENCHES RUN EAST-WEST DIRECTION THE ENTIRE LENGTH OF THE
24 1320-FOOT FIELD, TIMES THE -- IT'S 40 ACRES DEEP, BUT WE
25 HAVE SPACES IN BETWEEN EACH TRENCH. THERE REALLY ISN'T A
26 LOT OF USABLE SPACE ON THIS SITE. RIGHT ALONG PANAMA ROAD
27 AT THE FRONT WE HAVE BETWEEN 200 AND 250 FEET TIMES 1320
28 FEET OF POSSIBLE SPACE THAT YOU COULD PARK ON, BUT THAT
29 WOULD BE THE ONLY AREA THAT YOU COULD POSSIBLY DO SOMETHING
30 WITH.

31 SO, THE COUNTY AT THIS TIME HAS NO INTENTIONS
32 OF DOING ANYTHING BESIDES REMEDIATING THE SITE, TAKING CARE
33 OF THE ENVIRONMENTAL HAZARDS THAT WE HAVE CURRENTLY ON SITE,
34 AND FENCING THE PROPERTY, AND RE-VEGETATING THE PROPERTY,
35 AND LEAVING IT NON-IRRIGATED OPEN SPACE.

36 I DON'T KNOW IF THAT HELPS AS FAR AS
37 QUESTIONS?

38 CHAIRMAN EATON: YEAH, PART OF YOUR FUTURE GENERAL
39 PLAN IS GOING TO HAVE IT AS OPEN SPACE.

40 MS. BEURMANN: ALL OF OUR BURN DUMPS RIGHT NOW --
41 I ACTUALLY HAVE A 54-SITE STRATEGY, AND THEY'RE ALL
42 DESIGNATED TO GO AS NON-IRRIGATED OPEN SPACE. AND EACH SITE
43 WILL BE REMEDIATED WITHIN THE NEXT 10 YEARS.

44 CHAIRMAN EATON: ARE YOU FOREWARNING US YOU'RE
45 GOING TO BE BACK?

46 MS. BEURMANN: WE ACTUALLY -- WE ALREADY HAVE 12
47 DONE. I HAVE THREE THAT ARE IN PROGRESS RIGHT NOW. AND,
48 YEAH, I ACTUALLY DO HOPE THAT IN THE FUTURE, PERIODICALLY AS
49 WE DO NEED SOME ASSISTANCE, THAT WE CAN ACTUALLY ASK FOR
50 SOME MATCHING GRANTS OR SOME ASSISTANCE LIKE WE HAVE WITH
51 THIS SITE.

52 CHAIRMAN EATON: ARE THE TIPPING FEES GOING TO BE

1 REDUCED?
2 MS. BEURMANN: ARE THE TIPPING FEES GOING TO BE
3 REDUCED IN KERN COUNTY? I DON'T THINK SO.
4 CHAIRMAN EATON: NO, NO, NO --
5 MS. ROUCH: NO. NO.
6 CHAIRMAN EATON: -- WITH REGARD TO THE REMEDIATION
7 PROJECT.
8 MS. ROUCH: THERE'S NO WASTE TO BE REMOVED. THIS
9 IS JUST COVERING THE BURN DUMP. THEY HAVE ALREADY REMOVED -
10 -
11 CHAIRMAN EATON: YOU'RE JUST GOING TO COVER IT.
12 MS. ROUCH: THEY HAVE ALREADY REMOVED ALL THE
13 WASTE.
14 I JUST WANT TO ADD A COMMENT TO WHAT LYNN WAS
15 TALKING ABOUT. WHEN OUR PROGRAM REMEDIATES A BURN DUMP THAT
16 MEANS WE'RE USUALLY LEAVING THE ASH THERE AND COVERING IT.
17 AND WE WILL PUT A DEED RESTRICTION ON THE DEED FOR THAT
18 PROPERTY SO THAT IT CAN'T BE USED -- A BURN DUMP PROPERTY
19 CAN'T BE USED FOR ANY BENEFIT TO LIKE A PRIVATE PARTY OR
20 SOMETHING.
21 CHAIRMAN EATON: ANY OTHER QUESTIONS?
22 MS. BEURMANN: I WANT TO THANK THE BOARD FOR
23 CONSIDERATION, THANK YOU.
24 CHAIRMAN EATON: I JUST HAVE ONE OTHER COMMENT.
25 SINCE WE'RE IN THIS EXPERIMENTAL PHASE WITH REGARD TO THIS,
26 WHAT WOULD BE HELPFUL -- AT LEAST TO ME PERSONALLY, AND I
27 SPEAK ONLY THAT -- IS THAT WHEN WE LIST THE SITES IN THE
28 COUNTY AND THE ESTIMATED COST, IF WE COULD ALSO LIST THE
29 CLASSIFICATION SYSTEM RIGHT NEXT TO IT?
30 MEMBER JONES: YEAH.
31 CHAIRMAN EATON: SO THAT IT'D BE -- YOU KNOW, FOR
32 INSTANCE, YOU HAVE CHAPARRAL ROAD, IT LOOKS LIKE I-R-L-D-S
33 (PHONETIC), RIVERSIDE COUNTY ESTIMATED COST AND THEN
34 CLASSIFICATION, SO YOU CAN JUST GO DOWN THE LIST AND STUFF.
35 IT MIGHT BE JUST --
36 MS. ROUCH: YES, WE'LL DO THAT.
37 DID YOU WANT TO HEAR FROM THE BLM
38 REPRESENTATIVE WHO IS HERE, OR ARE WE OKAY WITH QUESTIONS?
39 CHAIRMAN EATON: I DON'T HAVE ANY QUESTIONS FOR
40 HIM, NO.
41 MEMBER JONES: MR. CHAIRMAN?
42 CHAIRMAN EATON: MR. JONES.
43 MEMBER JONES: OKAY, I'LL MOVE
44 RESOLUTION 1999-68, CONSIDERATION OF APPROVAL
45 OF CLEANUP SITES AND SOLID WASTE DISPOSAL AND
46 CO-DISPOSAL CLEANUP PROGRAMS, CHAPARRAL ROAD, GREENFIELD
47 BURN DUMP, HIGHWAY 37, MT. DIABLO, AND LIKELY.
48 CHAIRMAN EATON: OKAY. DO I HAVE A SECOND.
49 MEMBER PENNINGTON: I WILL SECOND IT RELUCTANTLY.
50 BUT, I WILL.
51 CHAIRMAN EATON: ALL RIGHTY. I HAVE A MOTION BY
52 MR. JONES, A SECOND BY MR. PENNINGTON, REGARDING RESOLUTION

1 1999-68. WITHOUT OBJECTION, I'LL SUBSTITUTE THE PREVIOUS
2 ROLL CALL AND WE'LL MOVE RIGHT TO THE NEXT MEASURE, WHICH IS
3 ITEM NO. 10.
4 MS. ROUCH: THANK YOU.
5 MEMBER ROBERTI: IS THIS ONE RELATED TO NINE?
6 OTHERWISE -- MR. CHAIRMAN, IS THIS ONE RELATED TO NINE?
7 OTHERWISE WE'LL GO BACK TO SEVEN?
8 CHAIRMAN EATON: I'M SORRY, WE'LL GO BACK TO THE
9 ORIGINAL L.A. -- I'M SORRY.
10 ONE OTHER QUESTION. WHEN YOU WERE OUT
11 SPEAKING WITH THOSE WE WENT THROUGH AND I ASKED EACH OF THE
12 BOARD MEMBERS IF THERE WERE ANY *EX PARTE* DURING LUNCH.
13 MEMBER ROBERTI: YES --
14 CHAIRMAN EATON: AND SO I THOUGHT MAYBE BEFORE WE
15 GET THERE --
16 MEMBER ROBERTI: YEAH, YEAH, ABSOLUTELY --
17 CHAIRMAN EATON: -- THAT MAY BE THE MORE
18 APPROPRIATE PROCEDURE.
19 MEMBER ROBERTI: THIS IS MORE IMPORTANT.
20 MR. CHAIRMAN, I WOULD LIKE TO *EX PARTE* MY
21 COMMUNICATIONS WITH MR. CHRISTOPHER MURRAY, MR. DAN
22 ROSENTHAL, MR. SHAWN GUTTERSON, AND MR. BERNARD HUBERMAN
23 (PHONETIC), ALL OF BLT ENTERPRISES.
24 AND WHILE -- ARE WE ON THAT SUBJECT NOW?
25 CHAIRMAN EATON: YES, SIR.
26 MEMBER ROBERTI: DURING MY MEETING WITH THEM THEY
27 SHOWED ME MAPS, WHICH I DID NOT HAVE AVAILABLE IN MY FILE,
28 INDICATING THAT THE RESIDENTIAL STREETS IN QUESTION WILL BE
29 AVOIDED IN THE PERMIT THAT THEY ARE SEEKING. AND THAT THERE
30 ARE -- THE PROVISION FOR CITING FOR ANYBODY WHO WOULD
31 VIOLATE THAT.
32 IN ADDITION, THE APPLICANTS ASSURE ME THAT
33 THE NOTICES CONTAINED INFORMATION REGARDING THE 24-HOUR
34 OPERATION OF AN ASPECT OF THE CENTER.
35 SO, WITH THAT MY CONCERNS ARE ASSUAGED AND,
36 YOU KNOW, THEY THINK THAT THE APPLICANTS HAVE DONE
37 EVERYTHING THAT'S REASONABLY NECESSARY TO BE SENSITIVE TO
38 THE NEIGHBORHOOD.
39 CHAIRMAN EATON: AND I APOLOGIZE, BECAUSE I
40 OBVIOUSLY MUST HAVE PERSUADED YOU THAT IT WAS NUMBER SEVEN,
41 BUT IT'S NUMBER FIVE THAT WE'RE TALKING ABOUT.
42 MEMBER ROBERTI: OH, OKAY, WELL, NUMBER FIVE.
43 CHAIRMAN EATON: AND I APOLOGIZE, SO --
44 MEMBER ROBERTI: I WAS TALKING ON
45 ITEM 5.
46 CHAIRMAN EATON: SO IF THERE'S NO --
47 MEMBER JONES: MR. CHAIRMAN?
48 CHAIRMAN EATON: YES, MR. JONES.
49 MEMBER JONES: I'D LIKE TO MAKE A -- MOVE
50 RESOLUTION NUMBER 1999-87, CONSIDERATION OF REVISED SOLID
51 WASTE FACILITY PERMIT FOR THE EAST LOS ANGELES RECYCLING AND
52 TRANSFER STATION IN L.A. COUNTY.

1 CHAIRMAN EATON: AND DO I HAVE A SECOND?
2 MEMBER PENNINGTON: SECOND IT.
3 CHAIRMAN EATON: WE HAVE A MOTION BY MR. JONES, A
4 SECOND BY MR. PENNINGTON, REGARDING 1999-87, RELATING TO THE
5 EAST LOS ANGELES RECYCLING AND TRANSFER STATION.
6 IT'S A PERMIT, SO I WOULD APPRECIATE THE
7 SECRETARY CALLING THE ROLL.
8 THE SECRETARY: BOARD MEMBERS JONES?
9 MEMBER JONES: AYE.
10 THE SECRETARY: PENNINGTON?
11 MEMBER PENNINGTON: AYE.
12 THE SECRETARY: ROBERTI?
13 MEMBER ROBERTI: AYE.
14 THE SECRETARY: CHAIRMAN EATON?
15 CHAIRMAN EATON: AYE.
16 ITEM NO. 10 -- MR. JONES?
17 MEMBER JONES: JUST ONE QUICK SECOND? I THINK
18 THAT IT'S IMPORTANT THAT WHEN PEOPLE UNDERSTAND THAT WHEN
19 THIS BOARD'S GOT QUESTIONS AND STUFF THAT, YOU KNOW, TO GET
20 THEM RESOLVED GETS THE PROCESS MOVING.
21 WE HAVE HAD OCCASION HERE, NOT WITH ANYBODY
22 THAT WAS HERE TODAY, TO SUGGEST THAT WE NEEDED A RECESS TO
23 WORK OUT SOME ISSUES AND IT WASN'T ALWAYS TAKEN IN THE BEST
24 OF SPIRIT. BUT I'M GLAD TO SEE THAT THIS INFORMATION GOT
25 WORKED OUT, YOU KNOW, TO EVERYBODY'S SATISFACTION, AND
26 THAT'S THE WAY THE PROCESS IS SUPPOSED TO WORK. SO, I JUST
27 WANTED TO ADD THAT FOR FUTURE REFERENCES.
28 CHAIRMAN EATON: THANK YOU.
29 NOW ITEM NO. 10. THEY MUST BE OUT
30 CELEBRATING, THEY THOUGHT THEY GOT OUT WITH ALL THE MONEY.
31 AGENDA ITEM NO. 11: CONSIDERATION OF NEW SITES FOR THE WASTE
32 TIRE STABILIZATION AND ABATEMENT PROGRAM
33 CHAIRMAN EATON: ALL RIGHT, WE'LL MOVE TO ITEM NO.
34 11 THEN, REGARDING THE CONSIDERATION OF NEW SITES FOR THE
35 REMEDIATION OF THE TIRE STABILIZATION AND ABATEMENT PROGRAM.
36 MEMBER JONES: SO WE LOST OUR STAFF ON 10?
37 MEMBER PENNINGTON: THEY'RE HERE, THEY'RE HERE
38 NOW.
39 CHAIRMAN EATON: WE'RE ON ITEM 11.
40 MEMBER JONES: ELEVEN? OKAY.
41 MEMBER PENNINGTON: OKAY.
42 MR. WALKER: CHAIRMAN EATON AND MEMBERS OF THE
43 BOARD, MY NAME IS SCOTT WALKER, I'M WITH THE PERMITTING AND
44 ENFORCEMENT DIVISION.
45 AND BEFORE WE PRESENT THE SITES WE'RE GOING
46 TO GIVE YOU JUST A BRIEF SUMMARY OF THE WASTE TIRE
47 STABILIZATION AND ABATEMENT PROGRAM, AND THEN WE WILL GET
48 INTO PRESENTATION OF NINE NEW SITES THAT WE'RE RECOMMENDING
49 FOR APPROVAL. AND THERE'S A TOTAL OF APPROXIMATELY 140,000
50 TIRES, AND ABOUT \$380,000, THE COST.
51 MEMBER JONES: MR. CHAIRMAN?
52 CHAIRMAN EATON: MR. JONES.

1 MEMBER JONES: BEFORE SCOTT STARTS HIS
2 PRESENTATION, THE -- I THINK THE SAME ISSUES THAT WE TALKED
3 ABOUT WITH COST RECOVERY ON THE PREVIOUS ITEM ARE -- YOU
4 KNOW, WHEN WE FINALLY COME UP WITH A POLICY ARE GOING TO BE
5 GERMANE TO THIS ISSUE TOO, RIGHT? I MEAN, SAME TYPES OF
6 ISSUES?

7 MS. TOBIAS: WELL, I THINK THERE'S A LOT OF
8 SIMILAR ISSUES, BUT ACTUALLY THE COST RECOVERY ON IT IS VERY
9 DIFFERENT.

10 AND, THERE WAS AN ADDENDUM OR A ATTACHMENT TO
11 THE ORIGINAL COST RECOVERY ITEM THAT DETAILED THE DIFFERENT,
12 BUT I'M NOT SURE ANYBODY PAID ANY ATTENTION TO IT BECAUSE IT
13 WAS AT THE VERY BACK OF THE ITEM. SO, WHEN WE COME BACK
14 NEXT TIME WE'LL BRING THAT FORWARD AGAIN AND SHOW YOU. BUT,
15 WE'VE ACTUALLY HANDLED THESE PRETTY DIFFERENTLY.

16 MOST OF THE TIRE ACTIONS GO BY ADMINISTRATIVE
17 HEARINGS AS OPPOSED TO GETTING A JUDGEMENT FOR COST
18 RECOVERY, SO WE HAVE A PRETTY ACTIVE PROGRAM ON THE
19 PENALTIES FOR TIRES --

20 MEMBER JONES: RIGHT. YEAH. NO, YOU GUYS DO A
21 GOOD JOB. I JUST WANT TO MAKE SURE WE DON'T LOSE SIGHT. WE
22 HAVE A COUPLE HERE THAT WE DON'T HAVE ANY ACTIONS ON SO THE
23 SAME ISSUES ARE GOING TO COME FORWARD.

24 MR. WALKER: YES. AND TO KIND OF GET BACK INTO A
25 BRIEF SUMMARY HERE, WE HAVEN'T BROUGHT TIRE SITES FORWARD
26 FOR A WHILE SO WE THOUGHT WE'D JUST GIVE YOU A BRIEF
27 RUNDOWN.

28 ESSENTIALLY, THE BOARD'S STABILIZATION AND
29 ABATEMENT PROGRAM COMPLIMENTS OUR TIRE PERMITTING AND
30 ENFORCEMENT PROGRAM, IN THAT IF ENFORCEMENT DOES NOT RESULT
31 IN CLEANUP OF AN ILLEGAL TIRE SITE, THOSE SITES ARE REFERRED
32 OVER TO THIS PROGRAM FOR CONSIDERATION. STAFF THEN EVALUATE
33 FOR -- EVALUATE THE SITES FOR COST ESTIMATES, SITE ACCESS,
34 AND COST RECOVERY. EACH SITE IS PRESENTED TO THE BOARD FOR
35 APPROVAL.

36 IF IT'S NOT APPROVED WE REEVALUATE THE SITE
37 AND/OR THE ENFORCEMENT ACTIONS. IF IT IS APPROVED, THEN WE
38 ESTABLISH SITE ACCESS AND THE BOARD CONTRACTOR IMPLEMENTS A
39 FINAL REMEDIATION PLAN.

40 I WANTED TO POINT OUT, THOUGH, IN SOME CASES
41 THE RESPONSIBLE PARTY WILL REMEDIATE THE SITE AFTER
42 REFERRAL. WE TRY TO -- IN CERTAIN SITUATIONS WHERE THAT
43 WILL HAPPEN. ALSO, THE SITE MAY BE REMEDIATED UNDER LEGAL
44 SETTLEMENT. WE'LL STILL OVERSEE THE CLEANUP, BUT THAT IS A
45 SPECIAL CASE. AND THEN THERE'S ALSO SITUATIONS WHERE THE
46 SITE MAY BE REMEDIATED UNDER OUR LOCAL GOVERNMENT MATCHING
47 GRANT PROGRAM.

48 THE BOARD APPROVED THE PROGRAM IN AUGUST OF
49 1994, AND THE MOST RECENT POLICY WAS ADOPTED IN FEBRUARY,
50 1998. AND THIS INCLUDES THE 30 PERCENT INCENTIVE FOR END-
51 USE.

52 JUST, I WANTED TO JUST KEEP IN MIND THAT, YOU

1 KNOW, WE HAVE THE AB 117 REPORT AND WORKSHOP COMING UP, AND
2 ALL OUR ACTIVITIES ON TIRES ARE TO BE REEVALUATED, INCLUDING
3 THIS PROGRAM, IN THE CONTEXT OF THE AB 117 REPORT.

4 JUST A QUICK RUN-THROUGH. IN THIS PROGRAM
5 WE'VE REMEDIATED TO DATE APPROXIMATELY 30 SITES AND OVER 10
6 MILLION TIRES. IN PROGRESS, OR UNDER EVALUATION, IS ANOTHER
7 35 IDENTIFIED SITES, APPROXIMATELY 8.7 MILLION TIRES. SOME
8 TIRES ARE ALSO IN PROGRESS OR COMPLETE BY THE RESPONSIBLE
9 PARTY, SUCH AS WINDBERRY (PHONETIC).

10 THE SITES IN THE EIGHT-POINT-SEVEN MILLION
11 ARE DOMINATED BY OXFORD, WHICH IS APPROXIMATELY SIX MILLION
12 TIRES. IT DOES NOT INCLUDE THE ROYSTER (PHONETIC) TIRE FIRE
13 SITE.

14 MEMBER ROBERTI: MR. CHAIRMAN?

15 CHAIRMAN EATON: MR. ROBERTI.

16 MEMBER ROBERTI: YEAH. I HATE TO INTERRUPT, BUT
17 YOU MADE A POINT A COUPLE MINUTES -- A MINUTE EARLIER ABOUT
18 A 30 PERCENT END-USE REQUIREMENT. I DIDN'T QUITE
19 UNDERSTAND.

20 MR. WALKER: IN OUR --

21 MEMBER ROBERTI: WHAT THAT WAS AND HOW IT WORKS.

22 MR. WALKER: THE WAY THAT WORKS IS THAT THE BOARD
23 DESIRED TO PROVIDE AN INCENTIVE IN OUR REMEDIATION PROJECTS
24 TOWARDS END-USE OF THE TIRES, SUCH THAT WHEN WE CLEAN UP A
25 SITE WE DON'T JUST DISPOSE OF ALL OF IT, THERE'S SOME
26 INCENTIVE TO END-USE.

27 AND THE END-USE INCENTIVE, THE 30 PERCENT,
28 BASICALLY THE WAY IT WORKS IS WE PAY UP TO 30 PERCENT OVER
29 WHAT THE CORRESPONDING DISPOSAL COST WOULD BE ON THE NUMBER
30 OF TIRES THAT WE IDENTIFY WITH OUR CONTRACTOR AS CAPABLE OF
31 BEING END-USED.

32 THIS -- THERE'S SOMEWHAT -- THERE'S SOME
33 CONTROVERSY HERE, AND I THINK WITH THE AB 117 REPORT THIS
34 WILL BE A TOPIC THAT WILL COME UP FOR DISCUSSION. BUT
35 THAT'S HOW -- THAT'S WHAT WE USE RIGHT NOW, AND WHAT THE
36 BOARD HAS ESTABLISHED.

37 MEMBER ROBERTI: AND I TAKE IT THE -- GOING TO A
38 TIRE MONOFILL (PHONETIC) ISN'T -- DOESN'T QUALIFY --

39 MR. WALKER: A TIRE MONOFILL IS NOT CONSIDERED AN
40 END USE.

41 MEMBER ROBERTI: OKAY.

42 MR. WALKER: YOU'LL ALSO HEAR THE NUMBER -- THERE
43 ARE SUPPOSEDLY APPROXIMATELY 15 MILLION ILLEGAL AND LEGAL
44 WASTE TIRES STOCKPILED IN THE STATE, AND THIS IS ANOTHER
45 NUMBER. THERE CERTAINLY IS SOME SITES THAT WE HAVEN'T
46 IDENTIFIED YET, BUT WE'RE CONTINUING TO EVALUATE THEM.

47 AND I WANTED TO JUST NOTE THAT WE'VE MADE
48 SUBSTANTIAL PROGRESS IN REDUCING THE BACKLOG OF ILLEGAL
49 WASTE TIRE SITES, ESPECIALLY RECENTLY, THE LAST COUPLE
50 YEARS.

51 WITH THAT I WILL AND THIS OVER TO GALE
52 PAVELKO TO PRESENT THE SPECIFIC SITES.

1 MS. PAVELKO: OKAY. WE HAVE NINE NEW SITES IN
2 THIS AGENDA ITEM, YOU HAVE NOT SEEN THESE SITES BEFORE. I
3 HAVE PHOTOS ON A FEW OF THE SITES.

4 THE FIRST SITE IS KNOWN AS HUMBOLDT TRANSPORT
5 WASTE TIRE SITE, IT IS IN HUMBOLDT COUNTY. THERE ARE
6 APPROXIMATELY 30,000 PASSENGER TIRE-EQUIVALENTS STOCKPILED
7 ON THE PROPERTY.

8 THE PROPERTY'S BEEN OPERATED AS A SCRAP METAL
9 YARD FOR 30-PLUS YEARS. AND THE SITE IS ABOUT THREE ACRES
10 IN SIZE, AND THERE IS NO PERIMETER FENCING. THE SITE'S
11 LOCATED IN A RURAL RESIDENTIAL/COMMERCIAL AREA, AND THE SITE
12 BACKS UP TO THE EEL RIVER.

13 AND THE PHOTO THAT WE HAVE ON THE OVERHEAD
14 RIGHT NOW, THE BLUE AREA ON THE TOP IS ACTUALLY THE EEL
15 RIVER. AT THE BACK OF THE SITE THERE'S ABOUT A 15-FOOT
16 DROP, AND A SMALL LAND AREA, AND THEN THE RIVER BACKS RIGHT
17 UP TO THE PROPERTY. YOU CANNOT SEE THE TIRES IN THIS PHOTO,
18 BUT I WAS JUST TRYING TO SHOW YOU HOW CLOSE THE RIVER IS TO
19 THE PROPERTY. THERE'S BASICALLY TWO LARGE PILES ON THE BACK
20 SIDE OF THE PROPERTY RIGHT UP TO THE RIVER, AND THE PROPERTY
21 OWNER HAS STARTED PUSHING THE TIRES OVER THE EDGE.

22 IN ADDITION TO THE TIRES ON THE SITE THERE IS
23 DISCARDED APPLIANCES, AUTOMOBILE, AUTOMOBILE PARTS,
24 TRACTORS AND EQUIPMENT. THERE'S A PROBLEM OF HAZARDOUS
25 MATERIALS LEAKING FROM THE AUTOMOBILES ON SITE ALSO, AND THE
26 COUNTY HAS CITED THE PROPERTY OWNER FOR THIS PROBLEM.

27 WE HAVE FILED AN ADMINISTRATIVE COMPLAINT
28 AGAINST THE PROPERTY OWNER, AND HAVE NOT YET BEEN TO
29 HEARING. BUT, WE WILL BE SEEKING AN ADMINISTRATIVE PENALTY
30 FOR THE ESTIMATED COST OF THE CLEANUP OF THIS SITE.

31 THE NEXT SITE IS KNOWN AS NICK'S (PHONETIC)
32 TIRE DISPOSAL. I DO NOT HAVE A PHOTO OF THIS ONE. THERE
33 ARE APPROXIMATELY --

34 MEMBER PENNINGTON: MAY I -- LET ME JUST ASK --

35 CHAIRMAN EATON: MR. PENNINGTON.

36 MEMBER PENNINGTON: WHAT ARE WE DOING ABOUT THIS
37 GUY PUSHING THE TIRES INTO THE RIVER? CAN THE SHERIFF GO
38 AND TALK TO HIM, OR MAYBE PUSH HIM INTO THE RIVER OR
39 SOMETHING?

40 MS. PAVELKO: THE COUNTY'S ACTUALLY FILED CRIMINAL
41 CHARGES AGAINST THE PROPERTY OWNER, AND HIS SENTENCE
42 INCLUDED A THREE-YEAR SUPERVISED PROBATION. AND, SO HE IS
43 SUPPOSED TO STOP PUSHING THE TIRES TO THE RIVER.

44 HE ALSO CLAIMS TO HAVE FLOODING PROBLEMS,
45 LIKE A LOT OF THE OTHER PEOPLE DO, AND WILL USE THAT AS AN
46 EXCUSE AS TO HOW THE TIRES GOT BACK THERE. OKAY. THE NEXT
47 SITE IS KNOWN AS NICK'S TIRE DISPOSAL.

48 THIS IS A SMALL, PRIVATE PIECE OF PROPERTY.
49 THERE'S ABOUT 1500 WASTE TIRES STOCKPILED ON THIS PROPERTY.
50 THE TIRES WERE BROUGHT TO THIS PIECE OF PROPERTY BY A
51 REGISTERED HAULER WITH THE INTENT OF RECYCLING; RECYCLING
52 DID NOT OCCUR. THE PROPERTY IS LOCATED IN A

1 RESIDENTIAL/COMMERCIAL/INDUSTRIAL AREA OF PINEDALE.

2 THE HAULER REGISTRATION HAS SINCE BEEN
3 REVOKED, OF THE OPERATOR. AN ADMINISTRATIVE COMPLAINT WAS
4 FILED, AND WE DID RECEIVE A \$10,000 FINE AGAINST THE
5 OPERATOR.

6 BESIDES RECEIVING THAT FINE WHAT WE'VE DONE
7 IS, WE HAVE FILED A \$10,000 CLAIM AGAINST THE OPERATOR'S
8 SURETY BOND, AND THE SURETY COMPANY HAS NOT YET RULED ON OUR
9 CLAIM, BUT THEY ARE WORKING ON IT.

10 NEXT SLIDE IS KNOWN AS WEAVER INDUSTRIES. I
11 DO NOT HAVE A PHOTO OF THAT ONE. THERE ARE ABOUT 1500 WASTE
12 TIRES ILLEGALLY STOCKPILED AT A WOOD RECYCLING BUSINESS IN
13 FRESNO COUNTY. THE SITE IS ABOUT FIVE ACRES IN SIZE, BUT
14 THE TIRES WERE ON POINT-FIVE OF THE SITE, POINT-FIVE ACRES
15 OF THE SITE.

16 THE PROPERTY IS ACTUALLY OWNED BY THE STATE
17 AND LEASED TO WEAVER INDUSTRIES. THE OPERATOR DOES NOT AS A
18 RULE ACCEPT TIRES, BUT CLAIMS THE WASTE TIRES WERE
19 COMMINGLED WITH INCOMING WOOD DEBRIS. THE PROPERTY IS
20 FENCED WITH A CHAIN-LINK FENCE. THE SITE IS LOCATED IN A
21 RURAL RESIDENTIAL/COMMERCIAL/INDUSTRIAL/AGRICULTURAL AREA IN
22 FRESNO. AND THE OPERATOR HAS REMOVED ABOUT 2,000 TIRES AS A
23 RESULT OF OUR ENFORCEMENT ACTIONS.

24 WE DID FILE AN ADMINISTRATIVE COMPLAINT ON
25 THIS SITE. A HEARING WAS HELD. THE DECISION REQUIRED THE
26 OPERATOR REMOVE THE TIRES OR PAY A \$2,000 FINE. THE
27 OPERATOR CHOSE TO PAY THE FINE, AND WE HAVE COLLECTED THE
28 FULL \$2,000 FINE. HE HAS NOT REMOVED THE TIRES.

29 THE NEXT --

30 MEMBER PENNINGTON: LET ME ASK AGAIN A QUESTION --

31 CHAIRMAN EATON: MR. PENNINGTON.

32 MEMBER PENNINGTON: THANK YOU, MR. CHAIRMAN.

33 IT'S GOING TO COST US 3,000 TO CLEAN IT UP,
34 HE'S PAID HIS TWO, SO -- OR, IS IT 5,000 TO CLEAN IT UP?

35 MS. TOBIAS: I THINK THAT'S ACTUALLY ADDRESSED ON
36 THE NEXT PAGE UNDER COST RECOVERY, IT'S ON PAGE 11-6. AND
37 IT SAYS THAT A \$2,000 ADMINISTRATIVE FINE WAS ISSUED AGAINST
38 THE OWNER, HE PAID IT BUT DIDN'T REMEDIATE. IF WE -- IF THE
39 COST OF REMEDIATION EXCEEDS \$2,000 WE'D HAVE THE OPTION TO
40 PURSUE COST RECOVERY AGAINST THE PROPERTY OWNER/OPERATOR FOR
41 THE ADDITIONAL COST. SO, WE WOULD BE TRYING TO RECOUP THAT.

42 WAS THAT YOUR QUESTION?

43 MEMBER PENNINGTON: NOW, DID I HEAR YOU SAY THAT
44 THE PROPERTY IS OWNED BY THE STATE?

45 MS. PAVELKO: THAT IS CORRECT.

46 MEMBER PENNINGTON: WHAT STATE AGENCY OWNS IT,
47 WRY...?

48 MS. PAVELKO: CALTRANS.

49 MEMBER PENNINGTON: CALTRANS? OKAY. THEN WHY
50 DON'T THEY CLEAN IT UP?

51 CHAIRMAN EATON: SO THEY PAID THE FINE?

52 MS. PAVELKO: NO, THE OPERATOR ACTUALLY PAID THE

1 FINE.

2 CHAIRMAN EATON: OKAY. OKAY. SO, LET ME ASK THIS
3 QUESTION THEN, JUST WHILE WE'RE HERE, JUST FOR -- BECAUSE
4 THERE'S A NUMBER OF THEM IN THE BACK AS WELL.

5 IS THE WAY THE STATUTE'S WRITTEN FOR COST
6 RECOVERY THAT IF THEY -- IF THE COST OF REMEDIATION EXCEEDS
7 WHAT NUMBER THEN WE WOULD HAVE THE OPTION TO PURSUE THE
8 COST? I MEAN, HOW DOES THAT WORK? HOW DOES THE STATUTE
9 KICK IN?

10 BECAUSE, I NOTICED ALL OF THE COST ESTIMATES
11 SEEMED TO MATCH THE COST OF REMEDIATION, SO THE OPTION TO
12 PURSUE RECOVERY IS, THEREFORE, FORECLOSED. HOW DOES THE
13 STATUTE -- WHAT ARE WE TRIGGERING HERE? HOW IS THE STATUTE
14 WRITTEN?

15 BECAUSE, IT SAYS -- THE SENTENCES ARE: "IF
16 THE COST OF REMEDIATION EXCEEDED \$2,000 WE WOULD HAVE THE
17 OPTION TO PURSUE COST RECOVERY AGAINST THE PROPERTY OWNER."
18 SO, WHAT IS THE THRESHOLD, AND WHAT ALLOWS US TO EXERCISE
19 THAT OPTION?

20 MS. SMALL: SUZANNE SMALL FROM THE CIWMB LEGAL
21 OFFICE.

22 THE WAY THE STATUTE WORKS FOR TIERS IS, THE
23 COST RECOVERY IS ACTUALLY SEPARATE UNDER THE STATUTE FROM
24 THE PENALTY ACTION.

25 THE PENALTY ACTION ALLOWS US TO SEEK
26 PENALTIES. AND WHAT WE'VE DONE IN OUR PROGRAM IS, THERE ARE
27 CRITERIA SET OUT WITHIN THE STATUTE WHICH GIVE YOU THE
28 CRITERIA YOU SHOULD LOOK TO FOR SETTING THE PENALTY THAT WE
29 SEEK. UNDER THAT CRITERIA IT'S THEIR ABILITY TO PAY, THE
30 PROPHYLACTIC EFFECT. THERE IS OTHER ITEMS THAT YOU COULD
31 CONSIDER.

32 WHAT WE HAVE USED AS A CRITERIA THAT HAS
33 SEEMED TO MET WITH THE APPROVAL OF ALL OF OUR TRIERS OF FACT
34 IS USING THE AMOUNT OF MONEY WE BELIEVE IT WILL COST US TO
35 CLEAN UP THE SITE. IN THIS WAY WE HAVE COVERED THE FUND FOR
36 WHAT WE BELIEVE WILL BE PAID OUT TO CLEAN UP THE SITE, IF IT
37 COMES TO THAT, AND WE ALSO HAVE JUSTIFIED THE AMOUNT THAT
38 WE'RE SEEKING.

39 COST RECOVERY IS SEPARATE. AND IF WE CHOOSE
40 TO, WE CAN ALWAYS SEEK COST RECOVERY IN ADDITION TO SEEKING
41 THE PENALTY. HOWEVER, WE HAVE NOT CHOSEN TO DO THAT BECAUSE
42 WHAT WE'RE DOING IS, WE'RE COMING TO A POINT, THE WAY WE'RE
43 DOING IT, WHERE WE'RE COVERING THE COST OF CLEANUP AND NOT
44 SPENDING ANY MONEY WITH THE A.G.'S OFFICE, BECAUSE WE DO
45 NEED TO GO THE A.G.'S OFFICE IF WE DO THE COST RECOVERY
46 ACTION SEPARATELY. THE ADMINISTRATIVE COMPLAINTS WE CAN ALL
47 DO IN-HOUSE.

48 CHAIRMAN EATON: SO THE PENALTY MONIES THAT ARE
49 ASSESSED BY THE TRIER OF FACT GENERALLY COVER THE COST OF
50 REMEDIATION.

51 MS. SMALL: THAT'S THE ATTEMPT.

52 CHAIRMAN EATON: SO MY QUESTION THEN IS, HOW MANY

1 OF THOSE PENALTIES HAVE WE COLLECTED THAT COVER THE COST OF
2 THE REMEDIATION WE'VE DONE THUS FAR?

3 MS. SMALL: MOST OF THE AMOUNTS THAT WE'VE BEEN
4 AWARDED WE USUALLY TURN INTO LIENS. WE'VE RECOVERED -- THE
5 2,000 WAS PAID, I'D SAY OFFHAND WE'VE PROBABLY BEEN PAID
6 \$6,000 OR \$7,000 OUT OF THAT PROGRAM, AND THE REST WE HAVE
7 TRIED TO CONVERT TO LIENS.

8 HOWEVER, I WILL POINT OUT THAT IN THE COST
9 RECOVERY ACTION WE'D PROBABLY GET THE SAME RESULT.

10 CHAIRMAN EATON: THANK YOU.

11 MS. PAVELKO: OKAY, NOW I'M GOING TO SKIP OVER TO
12 SUNRISE TRADERS IN NAPA COUNTY. THERE ARE ABOUT 7500 WASTE
13 TIRES STOCKPILED ON PRIVATE PROPERTY. THIS PROPERTY IS
14 OPERATED AS AN AUTO SALVAGE BUSINESS. THE SITE IS NINE
15 ACRES IN SIZE, AND THERE IS NO PERIMETER FENCING AROUND THE
16 SITE. THE SITE IS LOCATED IN A RURAL
17 RESIDENTIAL/COMMERCIAL/INDUSTRIAL AREA NEAR THE NAPA
18 AIRPORT. THE OPERATOR HAS REMOVED ABOUT 3,000 TIRES SINCE
19 OUR ENFORCEMENT ACTIONS HAVE BEGAN.

20 AN ADMINISTRATIVE COMPLAINT WAS ALSO FILED
21 AGAINST THE OPERATOR. THE HEARING WAS HELD. THE DECISION
22 FINED THE OPERATOR \$10,000. RIGHT NOW THAT \$10,000 FINE IS
23 BEING CONVERTED TO A CIVIL PENALTY SO THAT A LIEN CAN BE
24 PLACED ON THE PROPERTY.

25 THE NEXT SITE, AMERICAN HILL WASTE TIRE SITE
26 IN NEVADA COUNTY. THIS SITE IS LOCATED ON 6.6 ACRES OF
27 PRIVATE PROPERTY, AND THE PROPERTY OWNER ACTUALLY CLAIMS TO
28 HAVE ABOUT 5,000 WASTE TIRES ILLEGALLY STOCKPILED ON THE
29 ACREAGE. THERE IS NO FENCING AROUND THE PROPERTY, AND THE
30 PARCEL IS EXTREMELY HILLY AND HEAVILY VEGETATED. WE'VE ONLY
31 ACTUALLY VISUALLY SEEN ABOUT 500 TO 1,000 TIRES, BUT HE SAYS
32 THERE'S 5,000 THERE.

33 ADMINISTRATIVE -- A COMPLAINT HAS BEEN FILED
34 AND A HEARING WAS HELD EARLIER THIS MONTH, ON MARCH 15TH. A
35 DECISION HAS NOT YET BEEN MADE.

36 THE NEXT SITE, FITZSIMMONS WASTE TIRE SITE,
37 IS IN KERN COUNTY. THERE ARE AN ESTIMATED 6500 WASTE TIRES
38 STOCKPILED ON PRIVATE PROPERTY. THE SIZE IS ONE ACRE IN
39 SIZE AND IS ON RURAL RESIDENTIAL/COMMERCIAL PROPERTY IN
40 ROSEMONT. THERE IS NO FENCING AROUND THE PROPERTY. THE
41 PROPERTY OWNER COLLECTED THE TIRES IN AN EFFORT TO CONSTRUCT
42 A GREENHOUSE. THE GREENHOUSE WAS NEVER BUILT AND THE TIRES
43 REMAIN ON THE PROPERTY.

44 AN ADMINISTRATIVE COMPLAINT WAS FILED AGAINST
45 THE PROPERTY OWNER. THE HEARING WAS HELD, AND A \$13,000
46 ADMINISTRATIVE FINE WAS AWARDED AGAINST THE PROPERTY OWNER,
47 WHO IS ALSO THE OPERATOR.

48 THE NEXT SITE, HIGHWAY 12 WASTE TIRE SITE, IS
49 IN CALAVERAS COUNTY. THERE ARE AN ESTIMATED 3,000 WASTE
50 TIRES ILLEGALLY STOCKPILED ON PRIVATE PROPERTY. THIS SITE
51 IS ABOUT 30 ACRES IN SIZE, AND IS REMOTE AND RURAL
52 RESIDENTIAL PROPERTY IN THE CITY OF WALLACE. THERE IS NO

1 FENCING AROUND THE PROPERTY.

2 THE PROPERTY WAS LEASED TO A TENANT WHO
3 OPERATED A SALVAGING/DEMOLITION BUSINESS. IN ADDITION TO
4 THE TIRES WE'VE GOT SALVAGE VEHICLES, PARTS, BATTERIES,
5 PAINT CANS AND DEBRIS. THERE ARE SEVERAL BURN PITS ALSO
6 THAT HAVE BEEN USED FOR BURNING SALVAGE MATERIALS, HOUSEHOLD
7 GARBAGE, PAPER, CANS AND CLOTHING.

8 AN ADMINISTRATIVE COMPLAINT WAS FILED AGAINST
9 THE PROPERTY OWNER, AND THE PROPERTY OWNER IS IN ARIZONA. A
10 HEARING WAS HELD AND A \$6,000 FINE WAS ASSESSED AGAINST THE
11 PROPERTY OWNER. THE PROPERTY OWNER IS ACTUALLY MAKING A
12 GOOD-FAITH EFFORT IN CLEANING THIS SITE. THERE'S A VERY
13 GOOD CHANCE THIS SITE WILL CLEAN AND WE WON'T HAVE TO WORRY
14 ABOUT IT.

15 THERE ARE TWO MORE SITES ON THIS AGENDA ITEM,
16 AND BEFORE I DESCRIBE THEM, I WANT TO POINT OUT WE'VE GOT A
17 NUMBER OF PEOPLE THAT WISH TO SPEAK TO THE BOARD REGARDING
18 THESE ITEMS, REGARDING THESE SITES.

19 THE FIRST SITE IS KNOWN AS KIRK AND SONS
20 WASTE TIRE SITE NUMBER ONE. THIS IS ONE OF TWO SITES
21 LOCATED IN BUTTE COUNTY, AND IS OPERATED BY MR. KIRK COFER.
22 THERE IS AN ESTIMATED 40,000 WASTE TIRES ILLEGALLY
23 STOCKPILED ON THIS PROPERTY. AND I HAVE A PHOTO OF THIS ONE
24 ON THE OVERHEAD RIGHT NOW. THE SITE IS APPROXIMATELY 2.5
25 ACRES IN SIZE, AND MR. COFER REPORTEDLY OPERATED A TIRE
26 RECYCLING BUSINESS FOR THE LAST THREE AND A HALF YEARS.

27 MUCH OF THE PERIMETER FENCING HAS BEEN
28 DESTROYED BY THE TIRES. THE TIRES ARE STOCKPILED ON THE
29 ENTIRE PARCEL AT THIS TIME, AND IN MANY PLACES ARE AS HIGH
30 AS 10 TO 15 FEET. THE SITE CONTAINS PASSENGER TIRES, TRUCK
31 TIRES, TRACTOR TIRES, TIRE SHREDS, TIRES ON RIMS, AND ABOUT
32 300 EARTH MOVER/SCRAPER TIRES.

33 THIS PROPERTY IS LEASED BY MR. COFER, AND
34 MOST RECENTLY MR. COFER HAS FILED BANKRUPTCY, IN JANUARY OF
35 THIS YEAR.

36 THE PROPERTY OWNER IS PRESENT AND WOULD LIKE
37 TO TALK TO YOU. I DON'T KNOW IF YOU WANT TO HEAR FROM HER,
38 OR IF YOU WANT ME TO GO ON AND DESCRIBE THE SECOND SITE
39 FIRST.

40 CHAIRMAN EATON: PLEASE GO AHEAD, AND WE'LL
41 PROCEED IN THE WAY WE USUALLY DO WITH BOARD MEMBERS ASKING
42 QUESTIONS --

43 MEMBER ROBERTI: SINCE WE'RE PROCEEDING, MR.
44 CHAIRMAN --

45 CHAIRMAN EATON: SENATOR ROBERTI.

46 MEMBER ROBERTI: JUST FOR MY INFORMATION, THE
47 HIGHWAY 12 WASTE TIRE SITE WHICH YOU MENTIONED EARLIER, ARE
48 WE SEEKING ANY 2136 MONEY FOR THAT? AND, IF SO WHY NOT, OR
49 WHAT ARE THE LOGISTICS OF DECIDING WHICH -- MAYBE SCOTT CAN
50 --

51 MR. WALKER: YEAH, I'LL TOUCH IN ON THAT. OUR
52 WASTE TIRE CLEANUP PROGRAM, WE HAVE TO ALSO BE ABLE -- WHEN

1 WE DO TIRE CLEANUP TO BE ABLE TO RESPOND TO CLEANUP OF
2 MUNICIPAL WASTE THAT MAY BE --

3 MEMBER ROBERTI: MIXED.

4 MR. WALKER: -- MIXED IN THERE, WE DON'T DO A
5 SEPTEMBER 2136 PROJECT. VIRTUALLY ALL WASTE TIRE SITES THAT
6 WE ENCOUNTER THERE'S SOME OTHER WASTE THAT WE HAVE TO
7 HANDLE.

8 MEMBER ROBERTI: SO WE JUST MAKE A DETERMINATION,
9 THIS IS MORE TIRES THAN ANYTHING ELSE AND --

10 MS. PAVELKO: THE WASTE HAS TO BE INCIDENTAL TO
11 THE AMOUNT OF TIRES ON SITE.

12 MR. WALKER: CORRECT, IT'S INCIDENTAL TO THE
13 TIRES. THAT'S AN IMPORTANT POINT.

14 MEMBER ROBERTI: OKAY. THANK YOU, THAT'S WHAT I
15 WANTED TO KNOW.

16 MS. PAVELKO: OKAY. THE SECOND SITE IS KNOWN AS
17 KIRK AND SONS WASTE TIRE SITE NUMBER TWO. THIS SITE IS ALSO
18 IN BUTTE COUNTY AND IS OPERATED BY MR. COFER. MR. COFER
19 OWNS THIS PROPERTY. THERE ARE AN ESTIMATED 50,000 WASTE
20 TIRES ON THIS SITE. AND I HAVE A PICTURE OF THE SITE ON THE
21 OVERHEAD NOW. IT'S AN AERIAL VIEW AND IT BASICALLY SHOWS
22 THE CONFIGURATION OF THE TIRES ON THE PARCEL.

23 THIS SITE IS APPROXIMATELY FIVE ACRES IN SIZE
24 AND HAS OPERATED AS A REPORTED TIRE RECYCLING BUSINESS FOR
25 THE LAST THREE AND A HALF YEARS. FEW TIRES HAVE EVER BEEN
26 REMOVED FROM THE SITE. THE SITE IS SURROUNDED BY PERIMETER
27 CHAIN-LINK FENCING. THE SITE IS LOCATED IN A RURAL
28 RESIDENTIAL/COMMERCIAL/INDUSTRIAL/AGRICULTURAL AREA IN
29 OROVILLE.

30 THAT'S REALLY ALL I HAVE TO SAY ABOUT THE TWO
31 SITES.

32 IF YOU HAVE ANY QUESTIONS?

33 CHAIRMAN EATON: BOARD MEMBERS? MR. PENNINGTON?

34 MEMBER PENNINGTON: NO, I DON'T THINK I'M READY
35 YET.

36 CHAIRMAN EATON: OKAY. WELL, WE HAVE A NUMBER OF
37 PEOPLE, 12 OR 13, SO I WILL -- WE'VE BEEN REQUESTED AND
38 WE'LL COMPLY WITH THE REQUEST THAT CERTAIN OF THE
39 INDIVIDUALS BE TAKEN IN ORDER. BUT FIRST AND FOREMOST, MR.
40 BOB MACKENZIE FROM BUTTE COUNTY WOULD LIKE TO SPEAK. IS HE
41 STILL HERE?

42 AND ALSO, TO BE HELPFUL, IN ADDITION TO YOUR
43 NAME AND YOUR ORGANIZATION, IF YOU COULD JUST SPEAK IF IT'S
44 TO ALL OF THE SITES, ONE OF THE PARTICULAR SITES, THAT WOULD
45 BE HELPFUL FOR US.

46 I ASSUME IT'S JUST THE ONE SITE PERTAINING TO
47 YOUR COUNTY, BUT SOMETIMES OTHERS WANT TO SPEAK AS WELL.

48 MR. MACKENZIE: THANK YOU MR. CHAIRMAN, AND GOOD
49 AFTERNOON. AND GOOD AFTERNOON BOARD MEMBERS. MY NAME IS
50 ROB MACKENZIE, I WORK FOR THE BUTTE COUNTY COUNSEL'S OFFICE,
51 AND I'M HERE TODAY TO TALK TO YOU PRIMARILY ABOUT SITE
52 NUMBER TWO, THE CUSTER LANE SITE. I HAVE SOME RECENT PHOTOS

1 OF IT TAKEN LAST WEEK.

2 FIRST OF ALL, I'D LIKE TO POINT OUT THAT
3 BUTTE COUNTY HAS SPENT SIGNIFICANT RESOURCES IN LITIGATION
4 CONCERNING THIS SITE WITH MR. COFER. NOT ONLY MYSELF -- I
5 SPENT MONTHS AND MONTHS ON THIS CASE WORKING ALMOST
6 EXCLUSIVELY ON IT, BUT VARIOUS DEPARTMENT HEADS HAVE BEEN
7 DEPOSED, WE'VE HIRED OUTSIDE COUNSEL TO INTERVENE IN MR.
8 COFER'S BANKRUPTCY PROCEEDING.

9 AND THIS MORNING I OBTAINED AN ORDER THAT WE
10 CAN GO FORWARD AND ENFORCE THE STIPULATION THAT WE OBTAINED
11 FROM MR. COFER IN THIS ACTION, TO THE POINT WHERE WE CAN
12 CLEAN IT UP, WITH YOUR HELP, AND WE CAN OBTAIN A PERMANENT
13 INJUNCTION. WE WILL HAVE TO GO BACK AND SEEK THE BANKRUPTCY
14 COURT'S PERMISSION TO OBTAIN A MONETARY JUDGMENT, CIVIL
15 PENALTIES OR CLEANUP COSTS.

16 I WANT TO POINT OUT, SECONDLY, THAT THERE HAS
17 BEEN A LARGE REDUCTION IN THE AMOUNT OF WASTE TIRES ON THIS
18 SITE. WE USED MR. KEITH CAMBRIDGE OF THE PERMITTING AND
19 ENFORCEMENT DIVISION AS OUR MONITOR OVER AN 11-MONTH PERIOD.
20 HE FIRST INSPECTED THIS SITE ON MAY 5TH, 1998, AND HIS
21 CONCLUSION WAS THAT THERE WERE 70,500 PTES ON THE SITE, AND
22 300 SCRAPER TIRES. AT THE PRESENT TIME, HIS LATEST
23 INSPECTION, HE ESTIMATED THAT ON THIS SITE THERE WERE 40,400
24 PTES AND 117 SCRAPER TIRES. AND SO I BELIEVE THAT THAT
25 INDICATES THAT THE AMOUNT OF TIRES ON THE SITE HAVE BEEN
26 REDUCED BY APPROXIMATELY 50 PERCENT, AND I WOULD SAY TO YOU
27 THAT THAT WILL DRASTICALLY REDUCE THE CLEANUP COSTS ON THIS
28 SITE.

29 CHAIRMAN EATON: FROM THE FIGURE THAT'S DESCRIBED
30 IN OUR MEMO, OR --

31 MR. MACKENZIE: NO, I'M JUST SAYING --

32 CHAIRMAN EATON: SO YOU'RE SAYING THAT THE FIGURE
33 THAT -- MAYBE I SHOULD DIRECT STAFF, BUT STAFF HAS LISTED
34 150,000. IF HE SAYS OUR RECOVERY COSTS ARE GOING TO BE
35 REDUCED IN HALF PRIOR TO OUR EFFORTS TO CLEANUP, DOES THAT
36 MEAN WE'RE AT 150 MINUS HALF, WHICH WOULD BE 75,000 --

37 MS. PAVELKO: NO, I THINK WHAT HE --

38 CHAIRMAN EATON: -- OR ARE WE ASKING FOR 300,000 -
39 -

40 MS. PAVELKO: NO. I THINK WHAT HE'S SAYING IS
41 THAT OUR COSTS ARE LOWER NOW SINCE -- THE COSTS IN OUR
42 AGENDA ITEM ARE ACCURATE.

43 CHAIRMAN EATON: OKAY.

44 MS. PAVELKO: THEY COULD HAVE BEEN A LOT HIGHER
45 HAD HE NOT -- THE PROPERTY OWNER REMOVED SOME TIRES.

46 CHAIRMAN EATON: I KNOW THE WORK WAS DONE, I'M
47 JUST TRYING TO FIND OUT --

48 (THE PARTIES SIMULTANEOUSLY SPEAK.)

49 MR. MACKENZIE: -- BUT I DO THINK IT WOULD HAVE
50 BEEN ABOUT 300,000 --

51 CHAIRMAN EATON: SURE, OKAY.

52 MR. MACKENZIE: -- HAD IT NOT BEEN FOR OUR

1 EFFORTS.

2 IN ADDITION TO THE EFFORTS THAT WE SPENT IN
3 LITIGATION IN THIS MATTER, THE BOARD OF SUPERVISORS OF THE
4 COUNTY OF BUTTE OFFERS \$10,000 IN CASH TO ASSIST THE WASTE
5 BOARD IN CLEANING UP THIS SITE.

6 I WOULD IMPORE THIS BOARD TO PLEASE
7 AUTHORIZE CLEANUP OF THIS SITE. AT THE PRESENT TIME THERE'S
8 A POSSIBILITY THAT THE WASTE BOARD CAN PARTICIPATE IN AN
9 EXPERIMENT WITH CHICO STATE TO USE A NUMBER OF THE TIRES ON
10 THIS SITE, AND PERHAPS THE PACIFIC HEIGHTS SITE, TO BE USED
11 IN CONSTITUENT FOR LEVY CONSTRUCTION ON THE FEATHER RIVER.
12 AND I'D REQUEST THAT YOU ASK YOUR STAFF IF THAT WILL REDUCE
13 CLEANUP COSTS ON THE SITE BY REDUCING DISPOSAL COSTS.

14 I DON'T HAVE TO TELL YOU ABOUT THE PARADE OF
15 HORRIBLES THAT MIGHT OCCUR IF YOU DON'T AUTHORIZE CLEANUP
16 HERE, BECAUSE I KNOW THAT YOU KNOW A LOT ABOUT THAT. PLEASE
17 CLEAN THIS SITE UP. PLEASE AUTHORIZE THE CLEANUP TODAY.
18 THANK YOU.

19 IF YOU HAVE ANY QUESTIONS I'M AVAILABLE.

20 MEMBER JONES: MR. CHAIRMAN.

21 CHAIRMAN EATON: MR. JONES.

22 MEMBER JONES: THE TIRES THAT HAVE LEFT THE SITE
23 SINCE THE HEAT GOT TURNED UP, DO WE KNOW WHERE THEY WENT?
24 DO WE HAVE ANY -- DID WE CREATE ANOTHER PILE SOMEWHERE?

25 THERE WAS A SHELL GAME BEING PLAYED WHERE
26 THEY WERE TAKING TIRES FROM CUSTER LANE AND BRINGING THEM
27 OVER TO THE OTHER. IS THAT WHAT'S HAPPENING HERE?

28 MR. MACKENZIE: WELL, I DON'T THINK ANYONE CAN
29 ANSWER THAT QUESTION CONCLUSIVELY. ACCORDING TO MR. COFER'S
30 MANIFEST, THEY WENT OUT OF STATE.

31 SO, AND I BELIEVE THAT IF YOU TALK TO YOUR
32 STAFF MEMBER, MR. CAMBRIDGE, HE WOULD TELL YOU THAT
33 BASICALLY THE PACIFIC HEIGHTS SITE HAS BEEN AT ALMOST
34 COMPLETE CAPACITY FOR THE LAST TWO YEARS. AND IT MAY HAVE
35 VARIED SLIGHTLY, BUT I DON'T THINK THERE'S ANY WAY THAT
36 SOMEONE COULD HAVE TAKEN HALF THE TIRES OFF THE CUSTER LANE
37 SITE DURING THE LAST 11 MONTHS AND PUT THEM ON THE PACIFIC
38 HEIGHTS SITE, IT JUST COULDN'T HAPPEN.

39 MEMBER JONES: BUT I SAW A SITE WHEN I WAS UP
40 THERE THAT THE RESIDENTS TOOK ME TO THAT WAS OFF OF -- IT
41 WASN'T OFF OF FEATHER RIVER BOULEVARD, IT WAS OVER -- THAT'S
42 OKAY, WELL, I'LL FIGURE IT OUT. IT WAS OVER IN AN
43 INDUSTRIAL AREA WHERE HE HAD TRAILERS LOADED FULL IF TIRES
44 THAT AREN'T PART OF THIS ACTION.

45 SO IF THIS GUY'S MOVING TIRES AROUND, WHICH
46 WE KNOW HE IS THEN, YOU KNOW, WHAT IS THE COUNTY DOING TO
47 TAKE CARE OF THAT PROBLEM?

48 MR. MACKENZIE: WELL, FOR STARTERS, THE COUNTY
49 BOARD BUDGETED \$20,000 TO CLEAN UP WASTE TIRES THIS YEAR.
50 ALSO, WE APPLIED FOR A GRANT FROM YOUR AGENCY TO TAKE OVER
51 TIRE ENFORCEMENT RESPONSIBILITIES FROM YOUR AGENCY. SO WE
52 FEEL THAT WE'RE BEING VERY PROACTIVE IN REDUCING THE NUMBER

1 OF ILLEGAL TIRE DUMP SITES IN OUR COUNTY.

2 MEMBER JONES: I GUESS I'M PUSHING THIS PRETTY
3 HARD BECAUSE I'VE BEEN UP THERE AND I'VE HEARD THESE
4 RESIDENTS PLENTY OF TIMES.

5 AND IF YOU GO -- IF WE GO OUT -- AND I'LL
6 FIGURE OUT THE ADDRESS, I'M SURE I'VE GOT -- I'M SURE
7 THEY'LL TELL ME WHERE IT IS. BUT THIS OTHER SITE THAT HAD
8 THESE TRAILERS ON IT, IF HE'S DUMPING TIRES THERE -- OKAY? -
9 - AND THEY WERE HIS TRAILERS, I SAW THOSE TRAILERS WERE HIS
10 TRAILERS -- BUT IF YOU CAN FIND OUT THAT THOSE TIRES CAME
11 FROM HIS SITE, IS THERE SOMETHING CRIMINALLY YOU CAN DO TO
12 HIM FOR DUMPING THOSE TIRES ILLEGALLY?

13 MR. MACKENZIE: HE HAS --

14 MEMBER JONES: THIS IS NOT AT A PERMITTED
15 FACILITY.

16 MR. MACKENZIE: THE TRAILERS ACTUALLY BELONG TO
17 HIS HAULER, MR. SMART, I BELIEVE. AND I BELIEVE YOUR STAFF
18 WILL CONFIRM THAT. AND MR. SMART HAS BEEN NOTIFIED THAT
19 HE'S ILLEGALLY STORING THE TIRES. AND THE SITE IS IN THE
20 CITY OF OROVILLE. BUT I WOULD DEFER TO YOUR STAFF COUNSEL'S
21 OPINION ON WHETHER OR NOT CRIMINAL ACTION COULD BE TAKEN.

22 BUT I WOULD TELL YOU THAT THE BUTTE COUNTY
23 DISTRICT ATTORNEY HAS AN ENVIRONMENTAL PROSECUTION UNIT.

24 CHAIRMAN EATON: THANK YOU, AND THANK YOU FOR YOUR
25 EFFORTS.

26 NEXT, MR. DEWEESE AND THEN MR. CRAWFORD, AND
27 THEN WE'LL BEGIN THE REGULAR ORDERLY PROCESSION OF THE, I
28 THINK, 12-PLUS INDIVIDUALS THAT WOULD LIKE TO SPEAK ON THE
29 ITEM.

30 AND IF YOU COULD, FOR THE CONVENIENCE OF
31 TIME, NOT GO OVER TERRITORY THAT'S ALREADY BEEN DISCUSSED OR
32 GONE OVER. BUT IF YOU COULD JUST KIND OF -- IF THERE'S
33 ANYTHING NEW OR ANYTHING WE NEED TO ADD, WE'VE GOT ABOUT --
34 I THINK IT'S 13 MORE SPEAKERS JUST ON THIS ITEM, IT WOULD BE
35 HELPFUL, WE'VE GOT A LONG AGENDA.

36 MR. DEWEESE: YEAH, I'LL KEEP IT BRIEF. MY NAME
37 IS JIM DEWEESE, I'M THE SOLID WASTE MANAGER FOR BUTTE
38 COUNTY. AND I JUST WANTED TO GIVE THE BOARD A LITTLE
39 BACKGROUND ON SOME OTHER THINGS THAT WE ARE DOING TO
40 HOPEFULLY PREVENT THIS FROM HAPPENING IN THE FUTURE, AND
41 CLEAN UP TIRES THAT ARE ILLEGALLY DISPOSED IN BUTTE COUNTY.

42 THERE ARE MANY MORE TIRES THAN WHAT ARE IN
43 THESE TWO SITES IN AND AROUND THE COUNTY. AS MR. MACKENZIE
44 MENTIONED, THE BOARD OF SUPERVISORS HAS APPROPRIATED \$20,000
45 FOR CLEANUP FUNDS.

46 WE'RE HOPING TO GET SOME CHANGES IN STATE LAW
47 ON THE AMNESTY DAY PROGRAM TO ALLOW VOLUNTEERS TO HELP US
48 HAUL THOSE TIRES AND GET THEM PROPERLY DISPOSED. THAT'S ONE
49 AVENUE THAT WE'RE PURSUING.

50 WE ALSO HAVE THREE PROGRAMS CURRENTLY IN
51 PLACE AND OPERATING. WE HAVE AN ADOPT-A-HIGHWAY PROGRAM
52 THAT OPERATES SIMILARLY TO THE STATE'S. WE HAVE A COMMUNITY

1 CLEANUP GRANT PROGRAM WHICH WAIVES TIPPING FEES FOR
2 COMMUNITY GROUPS THAT WANT TO DO CLEANUPS. AND WE HAVE AN
3 ILLEGAL DUMPING ABATEMENT PROGRAM WHERE PUBLIC WORKS CREWS,
4 CALIFORNIA CONSERVATION CORPS CREWS, OR JAIL INMATE CREWS
5 ACTUALLY GO OUT AND CLEAN UP ILLEGAL DUMP SITES. AND NONE
6 OF THESE PROGRAMS PROHIBIT TIRES, SO WE ARE GETTING TIRES IN
7 THOSE.

8 I JUST WANTED TO MAKE THE POINT THAT THE
9 COUNTY IS TRYING THEIR BEST TO ADDRESS THE ILLEGAL TIRE
10 DISPOSAL ISSUE IN THE COUNTY.

11 CHAIRMAN EATON: THANK YOU. AND APPRECIATE THAT
12 PARTICIPATION.

13 ONE OTHER QUESTION. ARE YOU AWARE OF WHAT I
14 MENTIONED THIS MORNING, OF OUR TIRE WORKSHOP THAT'S TAKING
15 PLACE ON THE 30TH, AND THAT WE HAVE A TIRE REPORT THAT'S
16 DUE?

17 MR. DEWEESE: YES. AS A MATTER OF FACT, I
18 ATTENDED AND SPOKE AT THE LAST ONE, AND I WILL BE AT THIS
19 ONE AS WELL.

20 CHAIRMAN EATON: OTHERWISE I WOULD INTRODUCE TO
21 THAT GENTLEMAN IN THE BACK, MR. FITZSIMMONS. WHICH I HOPE -
22 - ONE OF THE BURN DUMPS HERE IS FITZSIMMONS, AND HE'S NO
23 RELATION, OTHERWISE WE'LL ALL HAVE TO RECUSE OURSELVES. BUT
24 NOW THAT YOU'RE PLUGGED IN THAT'S ALL THAT I -- THANK YOU.

25 MR. DEWEESE: THANK YOU.

26 CHAIRMAN EATON: MR. CRAWFORD.

27 MR. CRAWFORD: GOOD AFTERNOON, MY NAME IS TED
28 CRAWFORD, I'M WITH BUTTE COUNTY FIRE DEPARTMENT AND
29 CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION. I'M
30 HERE TO SPEAK BASICALLY ON THE FIRE DANGER THAT WE HAVE IN
31 OUR MIDST BECAUSE OF THE TIRE PILES THAT WE HAVE THERE.

32 NEITHER ONE OF THE SITES MEET THE UNIFORM
33 FIRE CODE REGULATIONS AS A -- AND THE FIRE SAFE REQUIREMENTS
34 THAT ARE SPELLED OUT IN THE UNIFORM FIRE CODE. SO WE'RE
35 VERY, VERY ENTHUSIASTIC ABOUT GETTING THESE TWO TIRE SITES
36 REMOVED FROM OUR COUNTY SO WE CAN REDUCE THE POSSIBILITY OF
37 A CATASTROPHIC FIRE THAT MAY OCCUR AND CREATE AN
38 ENVIRONMENTAL IMPACT, A TREMENDOUS PROBLEM.

39 IS THERE ANY QUESTIONS?

40 CHAIRMAN EATON: HEARING NONE, THANK YOU VERY
41 MUCH.

42 NOW, FINALLY, MS. VIRGINIA CALLAHAN, TO BE
43 FOLLOWED BY MAE ELMS, TO BE FOLLOWED BY LENORA STEVENSON.
44 IF YOU COULD -- THANK YOU, AND WELCOME.

45 MS. CALLAHAN: GOOD AFTERNOON. I'VE LEARNED MORE
46 ABOUT TIRES THAN I EVER, EVER WANTED TO KNOW. I'M VIRGINIA
47 CALLAHAN, I LIVE ON CUSTER LANE IN OROVILLE. WE LIVE NEXT
48 TO THE KIRK AND SON TIRE DUMP. THE "WE" I REFER TO ARE ALL
49 THE RESIDENTS ON CUSTER LANE AND PACIFIC HEIGHTS ROAD. MANY
50 MORE OF US WANTED TO BE HERE BUT THEY ARE ELDERLY OR HAVE
51 MEDICAL CONDITIONS THAT PREVENT THEM FROM BEING HERE IN
52 PERSON.

1 IN THE FOLDERS THAT WE GAVE YOU YOU'LL FIND
2 LETTERS AND STATEMENTS FROM THEM, ALONG WITH THOSE WHO ARE
3 ALSO CONCERNED ABOUT THE DANGER THESE TIRES REPRESENT.

4 GRASS THAT IS NOW GREEN AND GROWING AROUND
5 THE TIRES WILL ALL TOO SOON TURN INTO KINDLING. ONE SPARK
6 WILL MEAN WE'RE HISTORY.

7 WITH THAT FOREMOST IN OUR MINDS, WE ARE
8 ASKING FOR THE REMOVAL OF THE TIRES WHICH HAVE OBVIOUSLY
9 BEEN ABANDONED. MR. COFER HAS MOVED HIS OFFICE AND ALL OF
10 HIS EQUIPMENT OFF OF THE LOT. AND SO WE'RE STUCK WITH ALL
11 THOSE TIRES. AND WE'RE JUST ASKING PLEASE, PLEASE CLEAN
12 THIS UP FOR US BEFORE IT GETS OUT OF HAND. AND THAT MEANS -
13 - THERE'S BEEN A LOT OF HARD FEELINGS OUT ON THAT ROAD, TOO,
14 AND WE NEED TO GET THOSE TIRES OUT OF THERE BEFORE ANYTHING
15 HAPPENS.

16 I THANK YOU FOR YOUR TIME.

17 CHAIRMAN EATON: ANY QUESTIONS OF MS. CALLAHAN?
18 OKAY.

19 AND THANK YOU FOR TAKING THE TIME TO COME
20 DOWN.

21 MS. ELMS, GOOD AFTERNOON.

22 MS. ELM: MY NAME IS MAE ELM, I'M ANOTHER CUSTER
23 LANE RESIDENT.

24 WELL, IT SEEMS LIKE WE'RE HERE AGAIN TO ASK
25 YOUR HELP. THE LAST TIME WAS TO GET MR. COFER AND HIS TIRES
26 OUT FROM IN FRONT OF OUR HOME. THIS HAS BEEN PARTIALLY
27 ACCOMPLISHED, FOR WHICH WE THANK YOU VERY MUCH. MR. COFER
28 IS GONE NOW, BUT HE HAS LEFT BEHIND A MOUNTAIN OF TIRES.

29 AND THERE HAVE BEEN WARNINGS PUBLISHED ABOUT
30 GETTING RID OF ANYTHING THAT HOLDS WATER THAT CAN BREED
31 MOSQUITOS DUE TO THE OUTBREAK OF ENCEPHALITIS AND OTHER
32 SERIOUS DISEASE. OKAY? SO WE DO THAT. BUT WHAT GOOD DOES
33 IT DO WITH THAT MOUNTAIN OF TIRES STILL IN OUR FRONT YARD?

34 WE VALUE OUR HEALTH AND ARE CONCERNED ABOUT
35 THE INFESTATION OF MOSQUITOS THAT HAVE COME UP ON HIS THIS
36 SPRING. THEY ARE SO BAD AT TIMES THAT IF WE TOOK A DEEP
37 BREATH, EVEN IN THE HOUSE, WE ARE APT TO GET A LUNG FULL OF
38 MOSQUITOS ALONG WITH THE AIR. THEY WERE SO BAD IN MY HOUSE
39 ONE NIGHT THAT I LIT A REPELLANT CANDLE SO I COULD WORK AT
40 MY COMPUTER. THE NEXT THING I KNEW THE SMOKE ALARM WENT
41 OFF, I HADN'T REALIZED THE SMOKE WAS SO HEAVY.

42 WELL, IT WORKED THAT TIME, BUT THE PESKY
43 LITTLE DEMONS CAME BACK LATER. AS FOR MY -- I HAVE USED
44 SEVERAL BOXES OF DECON, BUT THEY EAT IT AND CHEW UP THE BOX.
45 THEY JUST SEEM TO GET FAT ON IT. AND WE ARE STILL IN
46 DANGER OF SICKNESS.

47 MR. COFER HAD NO CONCERN FOR US WHEN HE CAME
48 IN, AND NONE WHEN HE LEFT.

49 NOW, WITH OUR HEALTH IN MIND, AS WELL AS
50 OTHER THINGS THAT YOU HAVE HEARD OR WILL HEAR, I AS A
51 PROPERTY OWNER AND TAXPAYER AM ASKING YOU TO EXERT ANY POWER
52 YOU MAY POSSESS TO HAVE THEM TAKEN AWAY AND MAKE OUR

1 PROPERTIES SAFE ONCE AGAIN.

2 AT ALMOST 80 YEARS OF AGE, I WOULD LIKE TO
3 SPEND WHAT TIME I HAVE LEFT IN COMFORT, AND A CHANCE TO LOOK
4 OUT MY FRONT DOOR AND SEE SOMETHING NICE, AND NOT THOSE
5 NOTORIOUS, EVERLASTING, NERVE-JANGLING, EYESORE MOUNTAIN OF
6 WATER-FILLED, MOSQUITO-PRODUCING, MOUSE, RAT AND SNAKE
7 HEADQUARTERS OF TIRES. (APPLAUSE.)

8 WITH THAT SAID, I WANT TO THANK YOU FOR YOUR
9 ATTENTION, AND I WILL THANK YOU AGAIN WHEN THEY ARE GONE.
10 BY THE WAY, DID I MAKE MY DISLIKE FOR THE TIRE DUMP CLEAR?
11 AND, BY THE WAY, SUMMER'S JUST COMING AROUND THE CORNER, AND
12 WITH THE HEAT THOSE MOSQUITOES ARE GOING TO MULTIPLY WORSE
13 THAN THEY ARE NOW. THANK YOU.

14 CHAIRMAN EATON: THANK YOU, MS. ELMS.

15 MS. STEVENSON.

16 MS. STEVENSON: LENORA STEVENSON. I CAME GEARED
17 UP FOR YOU TODAY, BUT A LOT OF MY QUESTIONS I THINK HAS
18 ALREADY BEEN ANSWERED. IF YOU DON'T MIND, I WILL READ WHAT
19 I HAVE WRITTEN.

20 THANK YOU FOR ALLOWING US TO COME BEFORE YOU
21 AGAIN IN THE NEVER-ENDING CIRCLE OF THE TIRE INDUSTRY AND
22 THE REMAINS THAT BECOMES A DUMP.

23 WITH ALL THE HELP WE ON CUSTER LANE RECEIVED
24 REGARDING COFER'S TIRE REFUGE DUMP, "DUMP" BEING THE
25 OPERATIVE WORD REFERRING TO HIS TIRES, SCRAP VEHICLES AND
26 METAL, AND ABANDONED WHITE PICKUP. HELP, AS IN SOME
27 MOSQUITO CONTROL, PATIENCE OF SOME OFFICIALS REGARDING
28 LISTENING TO FACTUAL COMPLAINTS, POLICE ENFORCEMENT WHEN
29 NEEDED, AND MANY MORE ITEMS TO ADD TO THE LIST OF THE
30 CONCERNS OF THE RESIDENTS MENTIONED IN THE FOLDER.

31 AS A BODY WE NEED TO BE KNOWLEDGEABLE AS TO
32 THE TIME FRAME AND THE ASSURANCE OF THE REMOVAL OF THESE
33 HEALTH AND FIRE HAZARDS WE STILL HAVE ON A DAILY BASIS.

34 I, FOR ONE, AM CONTINUALLY STUFFED UP AND
35 COUGHING. I JUST RETURNED FROM ARKANSAS, WAS THERE TWO
36 MONTHS THERE TAKING CARE OF MY MOTHER, AND REALIZED WHEN I
37 RETURNED HOME THAT I ONLY HAD THIS PROBLEM ON CUSTER LANE.
38 I WAS FINE IN ARKANSAS.

39 WE KNOW THAT GREAT AS THIS STATE IS IN AREA,
40 THAT OROVILLE IS JUST A DOT ON THE MAP, AND THERE IS
41 PROBABLY MORE PRESSING AREAS IN THIS STATE. BUT WE FEEL
42 THAT A SMALL DOT ON THE MAP HAS REASON FOR CONCERN WHEN WE
43 LIVE ON A DEAD-END, ONE WAY IN AND OUT, PRIVATE ROAD AND
44 HAVE THIS HAZARD IN OUR MIDST.

45 WE HAVE BEEN TOLD THAT THE TIRES ARE TO BE
46 REMOVED. WHEN CAN WE GET A DEFINITE DATE OF TIRE REMOVAL?

47 WE'VE COME TO THE POINT WHERE WE HAVE WON THE
48 BATTLE, NOW COMES THE WAR TO MASTER. DO WE HAVE TO BRING
49 OUT THE ARTILLERY, MASS THE TROOPS, AND MINE SWEEP THE AREA
50 FOR THE PITFALLS WHICH COULD HINDER THE ROAD TO SAFETY TO BE
51 SECURE IN THE PEACE AND TRANQUILITY WE ALL RIGHTLY DESERVE,
52 NO MATTER WHERE WE RESIDE?

1 SURELY THE PROVEN PATTERN OF COFERS JUGGLING
2 THESE TIRE DUMPS THROUGHOUT THE STATE AND ELSEWHERE SHOULD
3 RAISE CONCERN TO ALL FACTORS IN ANY OF HIS NEW FACILITIES.
4 THIS FELLOW, AND COHORTS, WILL NO DOUBT INSIST THAT IN FREE
5 ENTERPRISE HE IS ENTITLED TO DO AS HE PLEASES, AS HE HAS SO
6 THOROUGHLY THUMBED HIS NOSE AT EVERY RESIDENT IN THIS STATE
7 BY DEFYING ANY AND ALL AUTHORITIES WHO STAND IN HIS WAY.

8 AS RESIDENTS OF THIS STATE, ARE WE NOT
9 ENTITLED TO MAKE THE SAME DECISIONS? AS IT SEEMS, NO ACTION
10 HAS EVER BEEN TAKEN AGAINST HIM TO DATE, WOULD WE HAVE THE
11 SAME CONSIDERATION?

12 I, FOR ONE, WILL NOT BREATHE EASY UNTIL THE
13 LAST TIRE MAKES IT DOWN THE ROAD AND THERE WON'T BE WORRY OF
14 THEM GOING UP IN A DEADLY CLOUD OF SMOKE TO CONTAMINATE
15 EVERYTHING IN ITS PATH.

16 WHO'S TO SAY WHERE THIS RESIDUE OF THESE
17 POTENTIAL HAZARDS WILL TRAVEL IN THE DEADLY CLOUDS OBSCURING
18 THE LANDSCAPE? WE MAINLY HAVE STRONG SOUTH WINDS COME
19 SAILING THROUGH IN A DIRECT PATH TO THE RESIDENTS OF THE
20 CITY OF OROVILLE, AND THE OROVILLE LAKE WATER SUPPLY AND
21 RECREATION AREA.

22 WE KNOW THE HAZARDS OF THE LAKE POISONING IN
23 PORTOLA, AND THE TRAIN DERAILMENT OF DUNSMUIR, CURTAILING
24 BOTH BUSINESSES AND WRECKED ACTIVITIES. DO WE NEED ANOTHER
25 TO ADD TO THE HISTORY OF THIS STATE? ISN'T THE BURNING
26 TIRES IN TRACY ENOUGH TO BRING HASTE TO THE DISBANDMENT OF
27 THESE TIRE DUMPS IN OROVILLE AND THROUGHOUT THE STATE?

28 WE HAVE RAISED OUR CONCERNS BEFORE YOU
29 JANUARY OF '98, AT THE EXCLUSION HEARINGS OF THESE TIRE
30 DUMPS. AND WE THANK YOU FOR SEEING THAT THERE WAS GRAVE
31 DANGER IN HOW THESE WERE RUN. WE ARE NOT AGAINST LEGITIMATE
32 OPERATORS THAT ABIDE BY COMMON SENSE AND CONSIDERATION OF
33 THE WELFARE OF THEIR FELLOW MEN, AND NOT CALLOUSED IN THEIR
34 OPERATING AT THE TAXPAYERS' EXPENSE, AS WE KNOW IT WILL COST
35 THOUSANDS OF DOLLARS FOR CLEANUP.

36 MAYBE FUTURE RECYCLING ENDEAVORS COULD BE
37 SCRUTINIZED AS TO PAST OPERATING PRACTICES TO ELIMINATE THE
38 FLY-BY-NIGHTERS WHO LEAVE THEIR, QUOTE/UNQUOTE, "BUSINESSES"
39 BY FILING BANKRUPTCY OR OTHER MEANS TO BYPASS HONEST HARD
40 WORK, WHILE ENSURING THAT THEY'RE ADDING TO THE TAX COFFERS
41 INSTEAD OF DEPLETING THEM.

42 OTHERS HAVE BROUGHT UP ABOUT MOSQUITOS, RATS
43 AND OTHER VERMIN, SO I WON'T EXPAND ON THEM. THEY ARE STILL
44 WITH US.

45 SURELY THE MODE OF OPERATION OF COFER AND
46 OTHERS OF THIS SAME DISPOSITION CAN BRING ABOUT A CHANGE IN
47 GOVERNING SET OPERATIONS WHERE THEY COMPLY IN GUIDELINES OF
48 COMMON DECENCY AND THE WELFARE OF OTHERS. NO MAN IS AN
49 ISLAND. WHAT WE DO AS INDIVIDUALS TOUCH ONE ANOTHER
50 SOMEWHERE ALONG THE COURSE OF OUR LIVES.

51 CONSIDER THE QUICK AND EARLY REMOVAL OF THE
52 DUMP AT PACIFIC HEIGHTS ROAD AND CUSTER LANE. AND I THANK

1 YOU.

2 AND IT IS STATE BOX (PHONETIC) ROAD, MR.
3 JONES.

4 MEMBER JONES: IS THAT IT, STATE BOX?

5 CHAIRMAN EATON: THANK YOU.

6 AND I HAVE MS. CALLAN CALLAHAN, AND THEN
7 JUSTINA BARTEL, FOLLOWED BY LOAN LAUDERBACK, I BELIEVE.

8 MR. CALLAHAN: MY NAME IS CALLAN CALLAHAN AND I
9 LIVE ON CUSTER LANE, LIKE A LOT OF PEOPLE HERE TODAY.

10 THERE'S NOT MUCH MORE I CAN SAY. I JUST
11 WOULD LIKE TO IMPORE THIS BOARD TO ENSURE THESE LOTS ARE
12 CLEANED UP, BOTH PACIFIC HEIGHTS AND CUSTER LANE, SITE ONE
13 AND TWO. MAKE SURE THE OPERATOR CAN NO LONGER COME ON THOSE
14 PROPERTIES AND START FILLING THEM BACK UP ONCE THEY ARE
15 CLEAN, AND PREVENT HIM FROM DOING IT ELSEWHERE.

16 AND AS FAR AS THESE TRAILERS, WE HAVE BEEN
17 TRYING TO MONITOR THEM. SOME OF THE TRAILERS SINCE YOU'VE
18 BEEN THERE HAVE BEEN MOVED. ONE HAS -- TWO OF THEM HAVE
19 DISAPPEARED. ONE OF THEM IS A BOX TRAILER IS SITTING AT
20 REGGIE SMART'S, WE DON'T KNOW IF IT'S LOADED OR EMPTY. AND
21 ONE TRAILER FULL OF SCRAPER TIRES ARE STILL THERE. WE HAVE
22 SEEN THEM MOVE TRAILERS AND WE HAVE NO IDEA WHERE THEY HAVE
23 GONE. WE DON'T KNOW IF HE STILL HAS THEM HIDDEN SOMEWHERE,
24 OR IF THEY HAVE BEEN ACTUALLY TAKEN TO A DISPOSAL SITE.

25 I THANK YOU FOR YOUR TIME.

26 CHAIRMAN EATON: THANK YOU FOR YOUR COMMENTS, YOUR
27 COMMITMENT, AND YOUR BREVITY.

28 MS. BARTEL.

29 MS. BARTEL: I AM GOING TO BE SHORT, TOO, ENOUGH
30 HAS BEEN SAID. BUT, MR. CHAIRMAN AND MEMBERS OF THE BOARD,
31 MY NAME IS JUSTINA BARTEL, AND I AM THE OWNER OF THE PACIFIC
32 HEIGHTS FIRE (SIC) SITE IN OROVILLE.

33 KIRK COFER LEASED MY PROPERTY IN JULY OF
34 1995. MR. COFER TOLD ME THAT HE WOULD USE THE SITE AS A
35 TIRE STORAGE FACILITY. MR. COFER AGREED TO SECURE ALL THE
36 PERMITS AND LICENSES FOR THE RENTED PREMISES, AND ASSUME ANY
37 LIABILITY INCURRED WITH THE OPERATION OF HIS BUSINESS. HE
38 ALSO AGREED TO SECURE A BOND FOR THE REMOVAL OF ANY WASTE
39 AND DEBRIS AT THE TERMINATION OF HIS TENANCY, AS WELL AS
40 LIABILITY INSURANCE.

41 MR. COFER HAS BREACHED HIS AGREEMENT WITH ME,
42 AND HAS NOT PAID RENT FOR THE LAST 20 MONTHS. HE ALSO HAS
43 RUINED THE FENCE ENCLOSING HIS TIRES.

44 I AM NOW RETIRED AND I DO NOT HAVE FINANCIAL
45 RESOURCES TO CONDUCT CLEANUP OF THE TIRES. I HAVE MADE A
46 NUMBER OF EFFORTS --

47 MS. LAUDERBACK: OKAY, I'LL FINISH FOR HER. I'M
48 JOAN LAUDERBACK, HER DAUGHTER.

49 I HAVE MADE A NUMBER OF EFFORTS TO SECURE
50 BIDS FOR THE REMOVAL OF THE TIRES, BUT NO ONE WAS WILLING TO
51 PROVIDE A FIRM BID FOR THE PROJECT, AND MY ASSETS WOULD BE
52 EXHAUSTED BEFORE THE COMPLETION OF THE TIRE REMOVAL.

1 MR. COFER HAS TAKEN ADVANTAGE OF ME AND THE
2 STATE IN HIS PROMISES TO MAINTAIN THE TIRE STORAGE FACILITY
3 IN PROPER CONDITION AND TO REMOVE THE TIRES FROM MY
4 PROPERTY. I FEEL I HAVE BEEN TAKEN ADVANTAGE OF BY THIS
5 BUSINESS OPERATOR AND CANNOT AFFORD TO PAY THE CONSEQUENCES
6 OF HIS ACTIONS.

7 THE ABATEMENT ORDER SHOULD BE AMENDED TO
8 REMOVE MY SON JAMES, AS HE DOES NOT OWN THE PROPERTY THAT I
9 LEASED TO MR. COFER.

10 MR. COFER HAS CAUSED ME SO MUCH GRIEF IT HAS
11 TAKEN A TOLL ON MY HEALTH. I NOW FEEL IT WAS HIS PLAN TO
12 STOCKPILE THE TIRES ON MY PROPERTY AND THEN DECLARE
13 BANKRUPTCY AND LEAVE THEM.

14 I HAVE OFFERED TO SIGN MY INTEREST IN THE
15 LEASED LOT WITH THE TIRES TO THE STATE. HOWEVER, WE WERE
16 ADVISED THAT THE STATE DOES NOT ASSUME OWNERSHIP OF
17 PROPERTIES OF THIS NATURE. I AM WILLING TO ALLOW THE STATE
18 TO PLACE A LIEN ON THIS PROPERTY. IN ALL FAIRNESS, I
19 BELIEVE I AM THE VICTIM AND KIRK COFER IS FULLY RESPONSIBLE
20 FOR HIS WRONGFUL ACTIONS AND THE STATE BOARD SHOULD ASSUME
21 HIS ASSETS FOR THIS CLEANUP.

22 MS. BARTEL: GET IT CLEANED UP, PLEASE.

23 CHAIRMAN EATON: THANK YOU.

24 MS. VANDERLAAN?

25 MS. LAUDERBACK: NO, I'M LAUDERBACK. AND I
26 FINISHED FOR HER, AND I HAVE MY OWN STATEMENT IF YOU'D GIVE
27 ME A MOMENT PLEASE?

28 CHAIRMAN EATON: SURELY.

29 MS. LAUDERBACK: THIS IS A PICTURE OF MY MOTHER IN
30 FRONT OF PART OF THE PILE.

31 OKAY. I'M THE DAUGHTER OF JUSTINA BARTEL,
32 THE OWNER OF THE PROPERTY ON WHICH KIRK COFER OF COFER AND
33 SONS TIRES HAS CREATED AN OVERWHELMING NIGHTMARE WITH THE
34 MASSIVE TIRES HE HAS LEFT ON HER PROPERTY.

35 MY MOTHER IS A 72-YEAR OLD WIDOW WHO HAS
36 WORKED MORE THAN 50 YEARS TO BUILD A LIFE IN WHICH SHE WOULD
37 LIVE MODESTLY AND LIVE INDEPENDENTLY IN HER SUNSET YEARS.
38 SHE LIVES IN A 900-SQUARE FOOT HOME, AND HER INCOME CONSISTS
39 OF SOCIAL SECURITY AND RENTAL INCOME, AND THE PACIFIC
40 HEIGHTS PROPERTY WHERE KIRK COFER OPERATED IS IN ARREARS OF
41 APPROXIMATELY \$20,000 AT THIS TIME IN RENT AND FENCE DAMAGE.
42 ADDITIONALLY, A LARGE PORTION OF MY MOTHER'S TIME AND MONEY
43 IS NOW SPENT ADDRESSING THE LEGAL PROBLEMS DIRECTLY
44 RESULTING FROM KIRK COFER'S OPERATIONS.

45 WHEN MY MOTHER LEASED HER PROPERTY TO MR.
46 COFER IN JULY OF 1995, SHE WAS AS CAREFUL AND PRUDENT AS SHE
47 COULD BE IN MAKING SURE ALL OF HIS PERMITS WERE IN ORDER.
48 AT THE TIME EVERYTHING SEEMED TO BE IN ORDER, BUT AFTER THE
49 PROBLEMS BEGAN MY MOTHER TRIED TO SEEK HELP FROM MANY PLACES
50 AND SHE FOUND MOST AVENUES EITHER BLOCKED OR HAVING THE
51 OPPOSITE EFFECT OF A RESOLUTION TO THE PROBLEMS.

52 MY MOTHER HAS NOT THE RESOURCES TO PAY FOR

1 THE REMOVAL OF MR. COFER'S SO-CALLED ASSETS. AND I CALL
2 THEM ASSETS BECAUSE THAT IS WHAT THEY ARE CALLED IN MR.
3 COFER'S CHAPTER XIII BANKRUPTCY PAPERS OF WHICH MY MOTHER
4 HAS BEEN SERVED. THESE PAPERS STATE SHE IS PRECLUDED FROM
5 TOUCHING HIS PROPERTY, WHICH INCLUDES THE TIRES AS THEY ARE
6 HIS BUSINESS ASSETS.

7 THROUGHOUT THE ABATEMENT ORDER PROCESS MY
8 MOTHER HAS TRIED EVERY WAY AVAILABLE TO GET MR. COFER TO
9 REMOVE THE PILE OF TIRES. MR. COFER REPEATEDLY OFFERED
10 PROMISES AND ASSURANCES THAT HE WOULD TAKE RESPONSIBILITY
11 FOR THE SITUATION HE CREATED. THEN, IN OCTOBER OF 1998, HE
12 TOLD MY MOTHER HE COULD REMOVE THE TIRES IF SHE GAVE HIM AN
13 UNSECURED LOAN. SHE WAS UNDERSTANDABLY UNCOMFORTABLE WITH
14 THIS.

15 THE MAN OWNS TWO HOMES IN PARADISE,
16 CALIFORNIA, BOTH OF WHICH ARE MORE VALUABLE THAN HER OWN.
17 PLEASE LET THIS MAN PAY FOR HIS OWN MISTAKES.

18 I'D LIKE TO SHOW YOU ANOTHER PHOTO HERE. AND
19 SEE THIS ROAD RIGHT HERE IN THE MIDDLE? THAT'S HIGHWAY 70.
20 AND THIS IS REALLY CLOSE TO A MAJOR THOROUGHFARE.

21 AND MY MOTHER HAS ALREADY PAID WITH BOTH TIME
22 AND MONEY, AND IT HAS TAKEN A TOLL ON HER HEALTH. SHE IS A
23 DIABETIC WITH A CARDIAC HISTORY, AND UNTIL THE TIRES ARE
24 GONE SHE WILL HAVE NO REST AND THE STRESS IS MORE THAN SHE
25 CAN TAKE.

26 SUMMER IS COMING AND THE PILE OF TIRES IS
27 ADJACENT TO THE MAJOR HIGHWAY ON ONE SIDE, AND BEHIND IT A
28 MOBILE HOME PARK AND BUSINESSES ON THE OTHER. IF A FIRE
29 WERE TO OCCUR IT WOULD BE AN UNCONTROLLABLE INFERNO THAT
30 WOULD LAST A WEEK OR MORE, DESTROYING HOMES, BUSINESSES, AND
31 CLOSING THE MAJOR THOROUGHFARE. THIS IS NOT TO MENTION THE
32 OTHER ENVIRONMENTAL DEVASTATION THAT WOULD INEVITABLY OCCUR
33 IN THE ENTIRE OROVILLE AREA.

34 MY MOTHER UNDERSTANDS THAT HER PROPERTY MUST
35 BE LIENED IN ORDER FOR CLEANUP TO OCCUR. I IMPORE YOU TO
36 HAVE THIS SITE CLEANED AS QUICKLY AS POSSIBLE SO THAT WE CAN
37 HAVE CLOSURE AND THE THREAT OF FIRE IS GONE PRIOR TO THE
38 SUMMER HEAT. THANK YOU.

39 CHAIRMAN EATON: THANK YOU, MS. LAUDERBACK.

40 MS. VANDERLAAN, AND MS. BJORK, AND MS.

41 KALINOWSKI.

42 MS. VANDERLAAN: HI, MY NAME IS LYDIA VANDERLAAN,
43 I'M MARRIED TO JAMES BARTEL. WE ARE DOING BUSINESS AS
44 BARTEL WELDING ON THE LOT NEXT TO WHERE THE TIRES WERE.
45 THEY WERE AT ONE TIME ONE PROPERTY BUT A LOT ADJUSTMENT LINE
46 HAS BEEN DONE AND THEY ARE NOW TWO PROPERTIES.

47 OVER THE LAST COUPLE YEARS MY HUSBAND HAS
48 TRIED TO HELP HIS MOTHER SEEK A RESOLUTION TO THIS PROBLEM
49 AND GET THE TIRES MOVED. WE HAVE TALKED TO SEVERAL PEOPLE
50 IN THE COUNTY AND STATE, AND IN THE CDF AND THEY HAVE ALL
51 TOLD US THAT SHE DIDN'T HAVE ANYTHING TO WORRY ABOUT, THE
52 TIRES WERE NOT HER PROPERTY, AND THEY WOULD NOT -- NOTHING

1 WOULD HAPPEN TO HER. AND IF THERE WAS A PROBLEM THAT IT
2 WOULD JUST BE COFER'S PROBLEM. BUT HERE WE ARE NOW.

3 AND LATELY SHE WAS TOLD -- SHE HAS BEEN ASKED
4 WHY DIDN'T YOU GET THEM TAKEN OFF THE PROPERTY, AND WHY
5 HAVEN'T YOU GOTTEN SOMEBODY STARTED TO DO IT, IF YOU WOULD
6 HAVE DONE THAT WE WOULDN'T HAVE THIS PROBLEM, WHEN BEFORE
7 THEY WERE TELLING US SHE COULDN'T TAKE THEM.

8 LAST DECEMBER KIRK COFER CAME TO US AND SAID
9 HE WAS BROKE, HE COULDN'T MOVE ANY TIRES, BUT IF WE LENT HIM
10 \$1700 HE WOULD MOVE SOME TIRES. WE LENT THEM THE MONEY WITH
11 THE UNDERSTANDING HE WOULD PAY IT BACK IN 10 DAYS. HE HAS
12 NOT DONE SO, HE HAS NOT GIVEN US ANY MONEY TOWARDS
13 REPAYMENT.

14 AT THE TIME HE MENTIONED THAT WHEN THE TIRES
15 WENT OUT FOR BIDDING HE WOULD PROBABLY GET THE CONTRACT
16 SINCE HE KNEW WHAT WAS THERE, AND HE WOULD PROBABLY BE THE
17 ONLY ONE WHO COULD REALLY MAKE A DECENT BID AND TELL THE
18 STATE EXACTLY WHAT IT WOULD COST. BUT HE SAID HE WOULD MAKE
19 US A GOOD DEAL ON IT SINCE WE LENT HIM THE \$1700.

20 THANK YOU.

21 CHAIRMAN EATON: THANK YOU.

22 MS. BJORK.

23 MS. BJORK: I'M JEAN BJORK, BY THE WAY. AND,
24 ANYWAY, I'M JUSTINA BARTEL'S DAUGHTER.

25 FIRST OF ALL, I'D LIKE TO STATE THAT
26 ENVIRONMENTAL REGULATIONS AND LAWS ARE EXTREMELY NECESSARY
27 AND NEEDED. WITHOUT REGULATIONS FREE ENTERPRISES SUCH AS
28 COFER'S AND THE PURSUIT TO SURVIVE WOULD POLLUTE OUR WORLD
29 TO THE POINT OF EXTINCTION.

30 ENVIRONMENTAL POLICY, HOWEVER, WAS DEVELOPED
31 TO PROTECT AND SERVE THE PUBLIC. THE POLICY WAS NOT CREATED
32 TO BE PUNITIVE TO PEOPLE LIKE MY MOTHER WHO IS A VICTIM OF
33 CIRCUMSTANCE.

34 MY MOTHER, TINA BARTEL'S CASE IS VERY
35 DIFFERENT THAN MOST OF THE CASES BROUGHT BEFORE THIS BOARD
36 I'M SURE. WHAT IS UNIQUE ABOUT MY MOTHER'S CASE IS SHE
37 DIDN'T CREATE THE ENVIRONMENTAL HAZARD, NOR WAS SHE AWARE OF
38 BREAKING ANY LAWS, LET ALONE TAKING ANY RISK IN RENTING HER
39 LAND OUT TO KIRK COFER. NO GOVERNMENTAL AUTHORITY OR ANYONE
40 WARNED HER THAT SHE WAS ASSUMING ANY RISK IN RENTING HER
41 LAND TO KIRK COFER.

42 ANOTHER DIFFERENCE IN HER CASE IS THAT THE
43 COST OF THE CLEANING UP THE TIRES ON HER PROPERTY FAR
44 EXCEEDS THE VALUE OF HER LAND. EVERY LAWYER SHE'S
45 CONSULTED, THERE HAVE BEEN FIVE, HAVE TOLD HER THAT HER CASE
46 WAS UNIQUE AND THEY HAD NO ANSWERS FOR HER.

47 MY MOTHER HAS NOWHERE TO TURN TO, AND THIS
48 HAS CREATED MUCH ANXIETY IN A WOMAN WHO SUFFERS FROM ANXIETY
49 DISORDER.

50 ABATEMENT ORDERS ARE PUT FORTH TO MAKE PEOPLE
51 TAKE RESPONSIBILITY FOR THEIR ACTIONS, NOT TO PUNISH PEOPLE
52 CAUGHT IN THE MIDDLE. MY MOTHER WAS NOT A TIRE HAULER, NOR

1 DID SHE PROFIT IN ANY WAY FROM THE OPERATION CONDUCTED ON
2 HER PROPERTY. IN FACT, THE OPPOSITE IS TRUE. SHE HAS LOST
3 MUCH MONEY FROM RENT, DAMAGE TO HER PROPERTY, LAWYERS' FEES,
4 MEDICAL EXPENSES DIRECTLY ATTRIBUTED TO HER VICTIMIZATION BY
5 KIRK COFER. PLEASE PUNISH THE PEOPLE RESPONSIBLE, NOT THOSE
6 THAT ARE MERELY BYSTANDERS LIKE MY MOTHER.

7 IDEALLY, GOVERNMENT POLICY SHOULD BE CARRIED
8 OUT IN A PROACTIVE AND ETHICAL MANNER. YOU HAVE AN
9 EXTREMELY IMPORTANT JOB IN CARRYING OUT THIS POLICY. I KNOW
10 WITH CAREFUL CONSIDERATION YOU WILL CARRY THIS POLICY OUT IN
11 A JUST MANNER. I WOULD LIKE TO APPEAL TO ALL OF YOU TO
12 IMAGINE YOUR OWN PARENTS IN THE SAME SITUATION, IT COULD
13 HAPPEN TO THEM.

14 THIS HAS BEEN A LIVING HELL FOR HER. SHE HAS
15 BEEN PUNISHED ENOUGH FOR A CRIME THAT SHE DID NOT COMMIT.
16 THANK YOU.

17 CHAIRMAN EATON: THANK YOU.

18 MS. KALINOWSKI.

19 MS. KALINOWSKI: GOOD AFTERNOON. I ACTUALLY LIVE
20 ACROSS THE STREET IN PACIFIC HEIGHTS MOBILE HOME PARK. I AM
21 A NEWCOMER TO THE AREA AND MOVED HERE TO WHAT I THOUGHT WAS
22 A HEALTHIER ENVIRONMENT. MY PREVIOUS NEIGHBOR WAS TOSCO
23 REFINERY DOWN IN CONCORD.

24 THE TIRES ON PACIFIC HEIGHTS PRESENT A HUGE
25 DANGER TO OUR CHILDREN AND HEALTH. THE MOSQUITOES AND
26 RODENTS THEY HOUSE ARE A CONSTANT NUISANCE. THE MOSQUITOES
27 THEY PRODUCE ARE SO THICK, IT IS IMPOSSIBLE TO STEP OUTSIDE
28 OF OUR HOME WITHOUT BEING COMPLETELY ENGULFED FROM HEAD TO
29 TOE WITH MOSQUITOES.

30 HAVING TWO TEENAGE BOYS WHO RECENTLY MOVED
31 FROM A CITY ENVIRONMENT, THEY ARE FASCINATED ABOUT THESE
32 MONOLITHS ACROSS FROM US. I AM TERRIFIED FOR THEIR SAFETY,
33 PASSING BY EACH DAY FROM THEIR SCHOOL BUS PAST RATS, MICE
34 AND SNAKES INHABIT THESE AREAS.

35 BEYOND ALL OBVIOUS HEALTH AND SAFETY ISSUES
36 THERE IS ALSO THE AESTHETICS. OUR COMMUNITY POOL IS 50 FEET
37 FROM THESE MONOLITHS. I WONDER IF MR. COFER AND HIS SONS
38 WOULD ENJOY A HOT SUMMER DAY AT OUR POOL WITH THE STENCH OF
39 HOT RUBBER AND BLANKET OF MOSQUITOES ENGULFING THEM.

40 PLEASE HELP US TO REMOVE THEM. AND THANK
41 YOU.

42 CHAIRMAN EATON: THANK YOU.

43 I DON'T HAVE ANY MORE SLIPS SO --

44 MEMBER PENNINGTON: DID SHE WANT TO BE ON THIS
45 ITEM?

46 CHAIRMAN EATON: OKAY. PLEASE, MS. KENNEDY.

47 MS. KENNEDY: THANK YOU, MR. CHAIRMAN OF THE
48 BOARD. I AM DENISE KENNEDY WITH WASTE RECOVERY WEST, INC.,
49 AND WE PROVIDE AND ARE CONTRACTED TO PROVIDE TWO MILLION
50 TIRES TO CALAVERAS CEMENT IN REDDING, CALIFORNIA. WE ARE
51 ALSO A CLEANUP CONTRACTOR FOR THE STATE OF CALIFORNIA. AND,
52 AS I'VE STATED MANY TIMES, HAVE CLEANED UP WELL OVER THREE

1 MILLION TIRES AT OVER 30 SITES.

2 I AM SPEAKING AND ACTUALLY THANKING YOU FOR
3 LOOKING AT TAKING AFFIRMATIVE ACTION ON THESE SITES FINALLY,
4 IT'S LONG OVERDUE.

5 I ALSO WAS UP AT MRS. BARTEL'S PROPERTY A
6 MONTH AGO AND GOT LITERALLY CHEWED UP ALIVE WITH MOSQUITOES.
7 IT'S ONE OF THE WORST SITES I'VE EVER SEEN, AND I HAVE BEEN
8 ON MANY, MANY SITES. SO, I UNDERSTAND THEIR CONCERN.

9 WHAT I WANTED TO STATE TO DAY IS, I'M A
10 LITTLE BIT CONCERNED ABOUT WHAT YOU GUYS ARE COUNTING AS THE
11 TIRE QUANTITY ON THE PROPERTY. THERE'S ABOUT FOUR OF US
12 THAT ACTUALLY WENT UP, AS INDIVIDUAL COMPANIES, TO LOOK AT
13 POSSIBLY BID ON THAT SITE FOR MRS. BARTEL. AND WHERE
14 THEY'RE ESTIMATING THAT THE ONE ON PACIFIC HEIGHTS IS 40,000
15 TIRES, THAT SOUNDS LIKE INDIVIDUAL UNITS. BUT IF YOU REALLY
16 CONVERT THAT TO PASSENGER TIRE EQUIVALENTS YOU'RE LOOKING
17 MORE LIKE 100,000.

18 THOSE EARTH MOVERS ARE GOING TO TAKE A LOT
19 LONGER TO REMOVE, THERE'S ONLY A COUPLE DISPOSAL SITES FOR
20 THOSE TIRES. THEY CAN'T GO IN, IN TWO OR THREE WEEKS, AND
21 REMOVE ALL OF THOSE. WE'VE ALL TALKED, ALL OF US THAT ARE
22 IN THE INDUSTRY, THERE'S ONLY A COUPLE PLACES THEY'RE GOING
23 TO GO.

24 SO I WANTED TO MAKE SURE THAT WHEN YOU START
25 LOOKING AT THE COST, WHAT ARE THE TRUE COSTS GOING TO BE --
26 AND I THINK YOU'RE A LITTLE ON THE LOW SIDE RIGHT NOW. AND
27 ESPECIALLY DEPENDING ON WHAT YOU'RE GOING TO DO WITH THE
28 TIRES, IF YOU DECIDE TO DO ANOTHER PROJECT THAT MIGHT EVEN
29 ADD TO THE COST MORE.

30 SO, I JUST WANTED TO HAVE YOU REALLY LOOK AT
31 THE OFF-ROAD TIRES. THERE'S ABOUT 600 TONS THERE, THERE IS
32 A LOT, AND THAT'S GOING TO BE A LOT OF TRANSPORTATION COSTS.

33 BUT, I DO THANK YOU FOR LOOKING AT IT.

34 CHAIRMAN EATON: SURE. ANY QUESTIONS OF MS.
35 KENNEDY?

36 MEMBER PENNINGTON: NO, MR. CHAIRMAN.

37 BUT I'D LIKE TO MOVE ADOPTION OF RESOLUTION
38 1999-102 --

39 CHAIRMAN EATON: BEFORE YOU DO THAT, MR.
40 PENNINGTON, I'D JUST LIKE A COUPLE OF QUESTIONS OF STAFF.

41 MEMBER PENNINGTON: SURE.

42 CHAIRMAN EATON: IF WE WERE TO APPROVE THESE SITES
43 WHAT IS THE ORDER OF CLEANUP? IN OTHER WORDS, WHICH SITES
44 WOULD BE CLEANED UP?

45 THE INDIVIDUALS WHO CAME HERE TODAY ASKED
46 THAT THEIR SITES -- THEY MADE SOME COMPELLING ARGUMENTS
47 ABOUT THE TIME FRAME, ET CETERA. IF WE WERE TO APPROVE THE
48 SITES IN A COUPLE OF MOMENTS, WHEN COULD THE RESIDENTS AND
49 SOME OF THE OTHERS WHO HAVE TESTIFIED EXPECT TO SEE THAT
50 ACTION TAKE PLACE? I THINK --

51 MS. PAVELKO: IF YOU APPROVE THE SITES FOR FUNDING
52 THE NEXT STEP WOULD BE OBTAINING PROPERTY ACCESS FROM BOTH

1 MRS. BARTEL AND MR. COFER. AND I THINK I HEARD ROB
2 MACKENZIE SAY HE WAS GOING TO ASSIST US WITH SITE ACCESS ON
3 THE CUSTER LANE SITE.
4 MR. ELLIOTT: WE WILL OBTAIN ACCESS FOR THE BOARD
5 --
6 CHAIRMAN EATON: OKAY. SO ARE WE TALKING MONTHS,
7 WEEKS? I MEAN, THEY'VE BEEN WAITING FOR COME TIME, CAN WE
8 GET SOME DEFINITION? I KNOW YOU'LL PROBABLY TALK
9 AFTERWARDS, BUT I THINK IT WOULD BE HELPFUL IF WE -- THEY
10 CAME HERE, THEY ASKED WHEN, YOU KNOW, CAN YOU EXPECT --
11 MS. PAVELKO: IT WOULD BE OUR --
12 CHAIRMAN EATON: ARE WE TALKING WITHIN A COUPLE OF
13 WEEKS THAT WE WOULD SEE SOME --
14 MS. PAVELKO: IT WOULD BE OUR GOAL TO BE ABLE TO
15 START THESE SITES AROUND MAY 1ST UNDER THE EXISTING
16 I (INDISCERNIBLE) CONTRACT.
17 MEMBER JONES: MR. CHAIRMAN?
18 CHAIRMAN EATON: MR. JONES, MR. PENNINGTON HAD
19 SOMETHING TO SAY, BUT IF WE COULD DEFER TO MR. JONES?
20 MEMBER PENNINGTON: YEAH, FINE, SURE.
21 MEMBER JONES: THE BANKRUPTCY ISSUE WHERE HE'S
22 CLAIMING THESE AS AN ASSET, WAS THAT WHAT YOU GOT RELIEF ON
23 TODAY OR YESTERDAY, OR...?
24 MR. MACKENZIE: WITH REGARD TO THE CUSTER LANE
25 SITE WE --
26 MEMBER JONES: WHICH IS -- THAT'S --
27 MR. MACKENZIE: THAT'S SITE NUMBER TWO, PAGE 11-7.
28 MEMBER JONES: ALL RIGHT. SO WE'RE STILL GOING TO
29 HAVE TO GET THROUGH THE BANKRUPTCY ISSUE ON HIS SITE.
30 MR. MACKENZIE: THAT'S CORRECT. BUT IT'S A SIMPLE
31 MATTER OF FILING A MOTION IN THE BANKRUPTCY COURT. THERE'S
32 A STATUTORY EXEMPTION FOR THE INJUNCTIVE RELIEF PORTION OF
33 YOUR ENVIRONMENTAL CLEANUP, AND I CAN PROVIDE YOUR LEGAL
34 STAFF WITH A MOTION TO FILE IN BANKRUPTCY COURT.
35 CHAIRMAN EATON: THAT WOULD BE HELPFUL.
36 MEMBER JONES: I HAVE ONE, MR. CHAIRMAN --
37 CHAIRMAN EATON: MR. JONES.
38 MEMBER JONES: -- OF THE MAKER OF THE MOTION.
39 THE HIGHWAY 12 SITE WHICH IS OWNED BY
40 GOTTFRIED FINANCIAL OR WHATEVER IT IS --
41 MEMBER PENNINGTON: RIGHT.
42 MEMBER JONES: -- WHERE CLEARLY THEY ARE LOOKING
43 AT SOME CLEANUP ACTIVITY, YOU KNOW, IT'S 6,000 BUCK, I MEAN,
44 IF IT'S INCLUDED THAT'S FINE, BUT I'D LIKE TO SEE US PUSHING
45 THESE GUYS PRETTY HARD TO CLEAN UP THEIR OWN INVESTMENT IF
46 AT ALL POSSIBLE. BUT I JUST WANTED TO BRING THAT UP WHEN
47 YOU MAKE YOUR MOTION, BECAUSE IT IS A FINANCIAL
48 ORGANIZATION.
49 MEMBER PENNINGTON: OKAY, FINE. SO I'LL RESTATE
50 MY MOTION TO SAY THAT I MOVE THE ADOPTION OF RESOLUTION
51 1999-102, AND AS A PART OF THAT MOTION ASK THAT WE MOVE WITH
52 SOME DISPATCH ON THE KIRK AND SON WASTE TIRE SITES ONE AND

1 TWO, AND THAT WE ASK THE STAFF TO MAKE SURE THAT THE HIGHWAY
2 12 SITE OWNERS ARE INVOLVED IN THE CLEANUP.

3 MEMBER JONES: I'LL SECOND.

4 CHAIRMAN EATON: ALL RIGHT. I HAVE A MOTION BY
5 MR. PENNINGTON, A SECOND BY MR. JONES, REGARDING RESOLUTION
6 1999-102.

7 MADAM SECRETARY, WOULD YOU PLEASE CALL THE
8 ROLL?

9 THE SECRETARY: BOARD MEMBERS JONES?

10 MEMBER JONES: AYE.

11 THE SECRETARY: PENNINGTON?

12 MEMBER PENNINGTON: AYE.

13 THE SECRETARY: ROBERTI?

14 MEMBER ROBERTI: AYE.

15 THE SECRETARY: CHAIRMAN EATON?

16 CHAIRMAN EATON: AYE.

17 AT THIS TIME I'D LIKE TO TAKE A FIVE-MINUTE
18 BREAK. I NOTICE THAT THE COURT REPORT'S FINGERS ARE ALMOST
19 FALLING OFF. THANK YOU VERY MUCH, WE'LL BE BACK AT QUARTER
20 TO. THANK YOU.

21 (OFF THE RECORD; BRIEF RECESS.)

22 AGENDA ITEM NO. 10: CONSIDERATION OF APPROVAL TO AWARD
23 CONTRACTS FOR CONSTRUCTION SERVICES TO SUPPORT THE SOLID
24 WASTE DISPOSAL AND CO-DISPOSAL SITE CLEANUP PROGRAM (AB
25 2136)

26 CHAIRMAN EATON: ITEM NO. 10.

27 MR. WALKER: CHAIRMAN EATON, MEMBERS OF THE BOARD,
28 MY NAME IS SCOTT WALKER, I'M WITH THE PERMITTING AND
29 ENFORCEMENT DIVISION. THE FOLLOWING ITEM IS FOR
30 CONSIDERATION OF APPROVAL TO AWARD CONTRACTS FOR
31 CONSTRUCTION SERVICES FOR THE SOLID WASTE DISPOSAL AND CO-
32 DISPOSAL SITE CLEANUP PROGRAM (AB 2136.) AND BEFORE I HAND
33 THIS OVER TO MARGE TO GIVE YOU THE MORE DETAILS, I JUST WANT
34 TO GIVE YOU A COUPLE OF OVERVIEW POINTS.

35 THE BOARD APPROVED ALLOCATIONS IN JULY AND --
36 THIS PAST JULY AND OCTOBER, TOTALING ABOUT \$1.54 MILLION FOR
37 NEW AB 2136 REMEDIATION CONTRACTS, CONSTRUCTION SERVICES,
38 BOARD-MANAGED CONTRACTS. THE CONTRACTS ARE REQUIRED BY THE
39 END OF THIS FISCAL YEAR, JUNE 31ST, TO ENCUMBER THE
40 ALLOCATION FOR '98-99.

41 STAFF IMPLEMENTED THE REQUEST FOR
42 QUALIFICATION PROCESS IN ACCORDANCE WITH THE ENHANCED
43 PROCESS REPORTED TO THE BOARD IN NOVEMBER OF '98. AND AS
44 YOU MAY REMEMBER, THE LAST ROUND THERE WAS A LOT OF CONCERNS
45 THAT WERE EXPRESSED. WE HAD QUESTIONNAIRES, AND WE MODIFIED
46 THE PROGRAM, WE IMPLEMENTED THAT. MARGE WILL BE ABLE TO
47 GIVE YOU THE DETAILS ON THAT.

48 THIS ITEM -- ANOTHER POINT IS THAT THE
49 CRITERIA FOR SELECTION IS ESTABLISHED IN REGULATIONS UNDER
50 TITLE 14. THIS ITEM PRESENTS CONCLUSION OF THAT PROCESS AND
51 RECOMMENDS APPROVAL TO AWARD CONTRACTS.

52 A COUPLE OF BRIEF POINTS ABOUT THE 2136

1 CONTRACTS. THE PROGRAM TRUST FUND IS FUNDED UP TO \$5
2 MILLION, APPROXIMATELY \$5 MILLION PER FISCAL YEAR. THE
3 FUNDS ARE ALLOCATED TO GRANTS, LOANS AND BOARD-MANAGED
4 CONTRACTS BASED ON APPROVAL BY THE BOARD EACH YEAR. AND
5 THIS IS WHERE THE BOARD DECIDES WHICH PORTIONS OF THE MONEY
6 TO PUT THE PROGRAM FUNDS INTO. THEN THERE'S A SEPARATE
7 APPROVAL THAT THE BOARD GRANTS OR CONSIDERS FOR ALLOCATING
8 FUNDS TO BOARD-MANAGED CONTRACTS, AND THEY ARE ENCUMBERED
9 INTO CONTRACTS BY BOARD APPROVAL.

10 WHY GO FOR AWARD OF THESE CONTRACTS? HAVING
11 MORE THAN ONE CONTRACT GIVES THE BOARD FLEXIBILITY TO
12 CONSIDER SIMULTANEOUS PROJECTS IN DIFFERENT AREAS OF THE
13 STATE, IT GIVES A LOT OF FLEXIBILITY IN THAT AREA. AND IT
14 ALSO PROVIDES A AVENUE TO ENCUMBER FUNDS WHICH OTHERWISE MAY
15 REVERT BACK INTO THE TRUST FUND.

16 AND NOTE IN THE DURATION WE HAVE THE
17 REMEDIATION CONTRACTS OR CONSTRUCTION CONTRACTS. AND THESE
18 ARE KIND OF WINDING DOWN. WE'VE GOT GUINN CONTRACT IN JUNE,
19 AND THEN THE SUKUT IS GOING TO BE OVER IN ANOTHER 12 MONTHS.
20 AND THAT'S WHY IN THESE -- THE TWO NEW PROPOSED CONTRACTS
21 WILL TAKE US INTO THE MIDDLE OF 2001, SO THAT WILL GIVE US
22 FLEXIBILITY TO CONDUCT PROJECTS.

23 A LITTLE BIT ABOUT THE FUNDING STATUS. THIS
24 ALSO -- ONE POINT IS THERE'S -- ENVIRONMENTAL SERVICES
25 CONTRACTS ARE DISTINCT FROM REMEDIATION CONTRACTS. THIS IS
26 SERVICES TO PROVIDE SITE ASSESSMENT, ANALYTICAL SAMPLING,
27 DESIGN, ENGINEERING. AND WE HAVE A CONTRACT RIGHT NOW
28 THAT'S IN THE BID PROCESS. THE EXISTING CONTRACT WILL
29 EXPIRE IN JUNE.

30 AND THE CONTRACT FUND STATUS. ESSENTIALLY
31 THE CONTRACTS ARE UP TO A CERTAIN DOLLAR FIGURE, TYPICALLY
32 \$2,500,000. AND THEN THE YELLOW BARS INDICATE THE FUNDING
33 LEVEL WHICH WAS REQUIRED TO HAVE BOARD APPROVAL. AND THEN
34 THE RED IS THE FUNDS EXPENDED TO DATE. ON THE SUKUT
35 CONTRACT HERE, THIS NUMBER WILL BUMP UP WITH THE BOARD'S
36 APPROVAL OF THE SITES TODAY.

37 WITH THAT I'LL HAND THIS OVER TO MARGE ROUCH
38 FOR THE PROCESS THAT WE JUST COMPLETED.

39 MS. ROUCH: GOOD AFTERNOON. THIS ITEM IS A
40 REQUEST FOR APPROVAL TO AWARD TWO NEW CONSTRUCTION CONTRACTS
41 TO SUPPORT THE SOLID WASTE CLEANUP PROGRAM.

42 TEN COMPANIES RESPONDED TO THE REQUEST FOR
43 QUALIFICATIONS; FOUR OF THOSE COMPANIES WERE DISQUALIFIED.
44 THE REMAINING SIX STATEMENTS OF QUALIFICATIONS WERE
45 EVALUATED BY A TEAM OF THREE STAFF MEMBERS. ONE MEMBER OF
46 THE TEAM IS TOTALLY NEW TO THE PROGRAM, AND ONE MEMBER OF
47 THE TEAM IS FROM ANOTHER PROGRAM AREA. BY DOING THIS WE
48 THOUGHT WE GOT A LITTLE BIT OF -- OR, A LITTLE LESS BIAS, IF
49 THERE IS ANY BIAS, INTO THE SELECTION PROCESS.

50 BASED ON THE SCORES IT WAS DECIDED TO
51 INTERVIEW FOUR CONTRACTORS. SUKUT CONSTRUCTION RECEIVED THE
52 HIGHEST SCORE DURING THE INTERVIEWS. BUT SINCE THEY WILL BE

1 THE PROGRAM'S ONLY CONTRACTOR AFTER JUNE 30TH OF THIS YEAR,
2 IT IS RECOMMENDED TO SPLIT THE CONTRACT BETWEEN THE TOP TWO
3 SCORING COMPANIES, THE SECOND COMPANY BEING GUINN
4 CONSTRUCTION. THE AVAILABLE FUNDS WILL BE EVENLY DIVIDED
5 BETWEEN THE TWO CONTRACTS. AS SCOTT MENTIONED, IT'S
6 BENEFICIAL TO THE PROGRAM TO HAVE TWO DIFFERENT CONTRACTORS
7 TO PROVIDE ENOUGH STAFFING AND AVAILABILITY OF EQUIPMENT AT
8 MULTIPLE LOCATIONS WHEN MANY PROJECTS ARE READY TO GO
9 SIMULTANEOUSLY. THE TWO COMPANIES TODAY HAVE HAD SOME
10 HISTORY WITH THE PROGRAM, BUT WE HAVE WORKED WITH A NUMBER
11 OF OTHERS OVER THE COURSE OF THE PROGRAM.

12 THE CONTRACTING PROCESS WAS DONE UNDER THE
13 POLICY SET PLACE BY THE CONTRACTS UNIT, THE BOARD'S CONTRACT
14 UNIT, AND THE SELECTION CRITERIA IS BASED ON THE CRITERIA IN
15 TITLE 14.

16 IN CONCLUSION, STAFF RECOMMEND APPROVING
17 AWARD OF CONTRACTS TO SUKUT AND GUINN CONSTRUCTION
18 COMPANIES. AND IF THERE ARE ANY QUESTIONS I'D BE HAPPY TO
19 ANSWER THEM.

20 MEMBER JONES: MR. CHAIRMAN.

21 CHAIRMAN EATON: ANY QUESTIONS? MR. JONES.

22 MEMBER JONES: SUKUT HAS SOME FAMILIARITY WITH
23 THESE CONTRACTS YOU SAID. THEY'VE GOTTEN EVERY CONTRACT
24 THAT WE'VE EVER LET, HAVEN'T THEY?

25 MS. ROUCH: NO. WE'VE HAD CONTRACTS WITH GRANITE
26 CONSTRUCTION AND WITH NORCAL CONSTRUCTION.

27 MEMBER JONES: HAVE THEY BEEN IN EVERY CYCLE,
28 SUKUT?

29 MS. ROUCH: YES, SUKUT HAS BEEN IN EVERY CYCLE,
30 YOU'RE RIGHT.

31 MEMBER JONES: OKAY. MY CONCERN IS, YOU KNOW,
32 SUKUT'S PROBABLY A GREAT COMPANY, I DON'T HAVE A PROBLEM
33 WITH THAT. I DON'T HAVE ANY PROBLEM WITH THIS GOING
34 FORWARD.

35 BUT LIKE I SAID IN MY BRIEFING, THREE PEOPLE,
36 TWO WITHIN PROGRAM STAFF AND ONE WITHIN P&E BUT IN ANOTHER
37 DIVISION, I THINK WE OWE IT TO OURSELVES AND TO THE PEOPLE
38 THAT BID ON THESE JOBS TO -- I THINK P&E NEEDS TO WORK WITH
39 ADMIN TO COME UP WITH A PROCESS THAT GETS A LOT OF FRESH
40 EYES LOOKING AT THIS BECAUSE IT IS DISCRETIONARY, SO THAT WE
41 CAN GET SOME NEW BLOOD INTO THIS IF, IN FACT, THEY'RE
42 QUALIFIED.

43 I GET TIRED EVERY TIME THAT WE LET A CONTRACT
44 OUT IN THIS PROGRAM GETTING PHONE CALLS AND WONDERING WHY WE
45 EVEN DO THE PROCESS SOMETIMES. SO, AND THAT'S A SHORT
46 VERSION. I MEAN, THAT'S -- I'M NOT TRYING TO BE TOO
47 SARCASTIC, BUT I WOULD LIKE TO SEE MORE THAN THREE EYES THAT
48 WORK WITHIN THIS PROGRAM LOOKING AT THE QUALIFICATIONS OF
49 THE PEOPLE THAT ARE BIDDING, TO MAYBE TAKE ADVANTAGE OF SOME
50 COST SAVINGS AND SOME NEW TECHNIQUES, AND SOME NEW BLOOD. I
51 THINK IT'S TOO LATE NOW, YOU'VE INTERVIEWED EVERYBODY. BUT
52 IT DOES WORRY ME.

1 MEMBER PENNINGTON: MR. CHAIRMAN?
2 CHAIRMAN EATON: MR. PENNINGTON.
3 MEMBER PENNINGTON: I WOULD CONCUR WITH MR. JONES.
4 I THINK SUKUT'S DONE VERY GOOD, AND I'M CERTAINLY NOT
5 PICKING ON THEM. BUT, YOU KNOW, THEY DO SEEM TO BE OUR
6 PRIME CONTRACTOR AND MAYBE WE SHOULD MAKE SURE THAT WE'RE
7 LOOKING AT IT WITHOUT SOME JAUNDICED EYE.
8 CHAIRMAN EATON: WELL, PERHAPS MAYBE SINCE THERE'S
9 SO MUCH CONCERN THAT WHAT WE SHOULD DO IS NOT TAKE THIS ITEM
10 UP TODAY, BUT RATHER BRING IT BACK WHEN WE BRING UP THE
11 WHOLE POLICY OF 2136 AND THE CLASSIFICATION, AND LOOK AT HOW
12 WE'RE MANAGING THE MONEY WITH REGARD TO BOTH LOANS, GRANTS
13 AND BOARD-MANAGED CONTRACTS, AND GO INTO THE WHOLE ISSUE OF
14 LIABILITY AND COST RECOVERY. IT MAY BE A APPROPRIATE TIME
15 SINCE WE HAVE UNTIL 6/31 TO DEAL WITH THIS, TO DEAL WITH
16 THAT.
17 MEMBER PENNINGTON: WELL, PERHAPS I'D HAVE TO SAY
18 THAT I THINK IT'S A LITTLE UNFAIR TO HAVE THESE PEOPLE
19 PREPARE ALL OF THIS AND GO THROUGH IT, AND THEN STOP IT AT
20 THIS POINT, BUT I THINK THAT IT'S CERTAINLY IN OUR NEXT
21 CYCLE SOMETHING WE SHOULD LOOK AT.
22 MEMBER JONES: MR. CHAIRMAN?
23 CHAIRMAN EATON: UM-HUM?
24 MEMBER JONES: I'M WONDERING IF BETWEEN NOW AND
25 JUNE THOSE -- I DON'T REMEMBER HOW MANY HE SAID, FIVE OR SIX
26 THAT GOT INTERVIEWED. WAS IT FIVE OR SIX?
27 MS. ROUCH: WE INTERVIEWED FOUR.
28 MEMBER JONES: FOUR?
29 MS. ROUCH: UM-HUM.
30 MEMBER JONES: I WONDER IF WE CAN'T COME UP WITH A
31 WAY AND LET THOSE FOUR BE RE-INTERVIEWED BETWEEN NOW AND
32 JUNE.
33 MEMBER PENNINGTON: PROBABLY NOT.
34 MS. SMALL: THAT WOULD BE EXTREMELY PREJUDICIAL
35 SINCE THEY'VE ALL HEARD THE QUESTIONS THAT ARE PERTINENT TO
36 THE CONTRACT ALREADY.
37 MEMBER PENNINGTON: I THINK, MR. CHAIRMAN, THAT
38 WE'VE GONE DOWN THE ROAD, AND WE'VE MADE -- AND PRETTY MUCH
39 MADE THE DECISION HERE EXCEPT FOR OUR INPUT ON IT. AND I
40 THINK IF WE'RE -- I'M NOT SPEAKING FOR MR. JONES, BUT I
41 THINK WHAT HE WAS RAISING -- I FELT WHAT HE WAS RAISING, AND
42 CERTAIN WHAT I'M RAISING, IS WE JUST NEED TO BE VERY CAREFUL
43 THAT WE DON'T APPEAR THAT THIS ONE CONTRACTOR IS ALWAYS
44 GETTING THE CONTRACT. AND I THINK IT WOULD BE IN
45 APPROPRIATE TO DIVERT FROM WHAT WE'VE DONE NOW, THOUGH.
46 SO, WITH THAT IN MIND, I'LL --
47 CHAIRMAN EATON: WELL, PERHAPS MAYBE I HAVE A
48 QUESTION. HOW MUCH OF THIS CONTRACT IS GOING TO BE FOR NON-
49 BOARD-MANAGED CONTRACTS? HOW MUCH OF THIS IS GOING TO GO
50 FOR GRANTS?
51 MS. ROUCH: ALL OF THIS MONEY WAS ALLOCATED FOR
52 BOARD-MANAGED CONTRACTS --

1 CHAIRMAN EATON: I UNDERSTAND THAT.
2 MS. ROUCH: -- TO THE BOARD'S CONTRACT --
3 CHAIRMAN EATON: BUT I JUST WANT --
4 (THE PARTIES SIMULTANEOUSLY SPEAK.)
5 CHAIRMAN EATON: -- AND SO NONE OF IT'S GOING TO
6 GO FOR ANY GRANTS OR LOANS, IT'S ALL GOING TO BE BOARD-
7 MANAGED. CORRECT?
8 MR. WALKER: CORRECT.
9 CHAIRMAN EATON: AND WHAT IS OUR LIABILITY WITH
10 REGARD TO BOARD-MANAGED?
11 MR. WALKER: IN TERMS OF THE AMOUNT OF MONEY THAT
12 WE HAVE TO ENCUMBER NOW?
13 CHAIRMAN EATON: YOU MADE A STATEMENT THAT --
14 MR. WALKER: IT'S \$1.54 MILLION.
15 CHAIRMAN EATON: HOW MUCH?
16 MR. WALKER: \$1.54 MILLION.
17 CHAIRMAN EATON: AND THAT CARRIES US THROUGH TO
18 WHEN?
19 MR. WALKER: THESE CONTRACTS WOULD CARRY US
20 THROUGH THE MIDDLE OF 2001. WE WOULD PROBABLY BE LOOKING AT
21 -- YOU KNOW, YOU DON'T WANT TO WAIT TILL THE END TO GO ON
22 THE NEXT ROUND, SO WE'D PROBABLY BE LOOKING IN ABOUT A YEAR
23 TO GO OUT AGAIN, I WOULD IMAGINE.
24 MARGE, IF YOU'D CORRECT ME IF I'M WRONG?
25 MS. ROUCH: OR A YEAR AND A HALF.
26 MR. WALKER: A YEAR TO A YEAR AND A HALF TO GO OUT
27 AGAIN WITH A NEW RFQ PROCESS.
28 AND ONE OF THE THINGS WE MAY -- DEPENDING
29 UPON AB 117 TIRE REPORT, A LOT OF THIS AFFECTS ALSO THE TIRE
30 CONTRACT PROCESS BASICALLY. THAT'S PROBABLY GOING TO BE
31 SOONER, IN TERMS OF GOING OUT WITH A NEW RFQ. AND PERHAPS,
32 IF THE BOARD DESIRES, WE CAN GO BACK TO THE ENHANCEMENT
33 PROCESS AND MAYBE REVISE HOW WE HANDLE THE REVIEW PANELS AND
34 BUTTON IT UP BETTER.
35 MS. ROUCH: MAY I JUST MAKE A STATEMENT ABOUT THE
36 MONEY? YOU MAY HAVE FORGOTTEN, OR WE HAVEN'T REMINDED YOU,
37 THAT BESIDES THIS MONEY THAT WE'RE TALKING ABOUT THERE IS
38 \$1.2 MILLION AVAILABLE FOR GRANTS AND LOANS THAT WE ARE NOT
39 DOING ANYTHING WITH AT THIS TIME.
40 MR. WALKER: RIGHT.
41 MS. ROUCH: IT'S AVAILABLE.
42 CHAIRMAN EATON: AND HAVE WE GOT ANYTHING IN THE
43 PIPELINE?
44 MS. ROUCH: WELL, THERE ARE A COUPLE OF LOCAL
45 JURISDICTIONS THAT HAVE SHOWN INTEREST, AND WE'VE TALKED TO
46 THEM. AND IT'S -- YOU KNOW, WHEN THEY'RE ASKING FOR A GRANT
47 IT'S ON THEIR TIME FRAME, SO WE'RE JUST WAITING TO HEAR FROM
48 THEM.
49 MR. WALKER: AND THAT MONEY --
50 CHAIRMAN EATON: BUT NO LOANS OR MATCHES.
51 MS. ROUCH: THESE WOULD BE MATCHING GRANTS
52 ACTUALLY.

1 MR. WALKER: CORRECT.
2 MS. ROUCH: THERE ARE NO LOANS IN THE PIPELINE,
3 BUT THERE ARE A COUPLE OF MATCHING GRANTS THAT HAVE BEEN
4 DISCUSSED WITH OUR STAFF.
5 CHAIRMAN EATON: SO AM I TO TAKE IT THAT WE ARE
6 GOING TO SEE THESE ITEMS COME BACK IF WE DON'T HAVE ANYTHING
7 IN MAY? IS THAT FOR THE CURRENT FISCAL YEAR? SO THAT
8 SOMETIME IN MAY WE'RE GOING TO SEE THAT ADDITIONAL \$1-POINT-
9 SOME MILLION COME BACK BECAUSE THE GRANTS AND LOANS WEREN'T
10 THERE?
11 MS. ROUCH: EXACTLY.
12 CHAIRMAN EATON: OKAY.
13 MEMBER JONES: MR. CHAIRMAN?
14 CHAIRMAN EATON: GO AHEAD, MR. JONES.
15 MEMBER JONES: I WANTED TO FOLLOW UP ON THAT
16 QUESTION. IT WOULD SEEM TO ME THAT IF THIS PLACE WORKS AS
17 HISTORICALLY, SINCE I'VE BEEN HERE, IT WORKS, WE HAVE 1.2
18 MILLION AND WE SAY, WELL, WE'RE GOING TO LOSE IT IF WE DON'T
19 PUT IT INTO A CONTRACT, THEN WE'RE GOING TO END UP PUTTING
20 IT INTO SUKUT AND GRANITE'S CONTRACTS, WHICH IS GOING TO
21 CARRY THEM THROUGH FOR THAT MUCH LONGER.
22 SO IT WOULD SEEM TO ME THAT IF WE --
23 CHAIRMAN EATON: BUT WE'RE TALKING ABOUT 2.7 NOT
24 1.5.
25 MEMBER JONES: RIGHT. SO IT WOULD SEEM TO ME THAT
26 IF WE WERE GOING TO WORK ON THE NEW PROCESS FOR HAVING MORE
27 EYES THAN THREE VIEW THESE THINGS MAYBE WE OUGHT TO TRY TO
28 DO IT HASTILY, SO THAT WHEN WE DO HAVE TO REALLOCATE THAT
29 1.2 MILLION MAYBE IT GOES TO A NEW CONTRACT.
30 MS. NAUMAN: MR. CHAIRMAN AND MEMBERS, JUST A
31 POINT OF CLARIFICATION ON MR. JONES' COMMENT. THESE
32 CONTRACTS ARE TWO-YEAR CONTRACTS. SO, YOU WERE TALKING
33 ABOUT POTENTIALLY PUTTING THE 1.2 MILLION INTO IT; WE STILL
34 WOULD NOT BE ABLE TO UTILIZE THAT ONCE THE TWO-YEAR TIME
35 FRAME EXPIRED ON THOSE CONTRACTS.
36 MEMBER JONES: BUT THE MONEY THAT ISN'T ALLOCATED
37 TO GRANTS AND LOANS HAS TO BE ALLOCATED BY THE END OF THIS
38 FISCAL YEAR. CORRECT?
39 MS. NAUMAN: THAT IS CORRECT.
40 MEMBER JONES: AND THEY WOULD END UP GOING INTO
41 ONE OF --
42 CHAIRMAN EATON: ALLOCATED OR ENCUMBERED?
43 MEMBER JONES: -- THESE TWO CONTRACT --
44 MS. NAUMAN: WELL, ENCUMBERED.
45 CHAIRMAN EATON: DIFFERENT THAN ALLOCATED.
46 MS. NAUMAN: YOU WOULD BE REALLOCATING TO THE --
47 MEMBER JONES: TO THE EXISTING CONTRACT.
48 MS. NAUMAN: -- BOARD-MANAGED, AND THEN YOU WOULD
49 ENCUMBER THEM IN THOSE CONTRACTS. AND IT WOULD BE AVAILABLE
50 DURING THE LIFE OF THOSE CONTRACTS.
51 MEMBER JONES: IF BETWEEN NOW AND THE END OF MAY,
52 IS IT POSSIBLE TO PUT OUT ANOTHER RFQ TO DETERMINE IF THERE

1 IS -- WITH THE PROCESS CHANGED, TO COME UP WITH ANOTHER ONE?
2 YOU KNOW --
3 MS. NAUMAN: I UNDERSTAND.
4 MEMBER JONES: -- IF THERE, IN FACT, IS ANOTHER
5 ONE THEN WE HAVE TO REALLOCATE THOSE DOLLARS, ENCUMBER THEM
6 TO THAT CONTRACT. IS THAT POSSIBLE?
7 MS. NAUMAN: I'D HAVE TO DEFER TO OUR
8 ADMINISTRATIVE STAFF. I THINK THE TIMING IS PROBABLY PRETTY
9 TIGHT.
10 MS. JORDAN: GOOD AFTERNOON, TERRY JORDAN.
11 IT IS -- THE TIMING IS NOT POSSIBLE AT THIS
12 POINT TO GO OUT WITH ANOTHER RFQ IN MAY.
13 MEMBER JONES: OKAY. ONE OTHER QUESTION THEN.
14 CAN WE TAKE THE 1.2 MILLION AND ALLOCATE IT TO FARM AND
15 RANCH CLEANUP UNDER -- AS A POSSIBLE FUNDING SOURCE, AND
16 ENCUMBER THAT TO THE FARM AND RANCH LAND CLEANUP?
17 MEMBER PENNINGTON: ISN'T THAT ALL TIRE MONEY?
18 MEMBER JONES: NO. THAT'S TIRE OIL AND 2136, SO
19 MAYBE WE CAN JUST FUNNEL IT.
20 MS. VILLA: NO. ONCE THE MONEY IS TRANSFERRED
21 INTO THE 2136 CLEANUP PROGRAM IT IS NOT AVAILABLE TO GO INTO
22 THE FARM AND RANCH PROGRAM.
23 MEMBER JONES: CLEANUP.
24 MS. VILLA: RIGHT.
25 MEMBER JONES: SO THE 2136 CLEANUP IS -- WE CAN'T
26 USE THOSE MONEY TO CLEAN UP FARM AND RANCH LAND.
27 MS. ROUCH: NO. WELL, IF A FARM AND RANCH ILLEGAL
28 DISPOSAL SITE PROJECT WAS OUT THERE THAT MET THE 2136
29 PROGRAM CRITERIA -- WHICH IS VERY POSSIBLE -- WE COULD CLEAN
30 UP THAT PROPERTY UNDER OUR PROGRAM.
31 I JUST WANT TO POINT OUT, WHEN YOU APPROVED,
32 WHEN THE BOARD APPROVED THIS -- APPROVED A \$5 MILLION
33 CONTRACT, AND WE HAVE SPLIT IT INTO TWO \$2.5 MILLION
34 CONTRACTS, THE STAFF -- THE PROGRAM STAFF'S INTENT, WHICH
35 CAN BE CHANGED, YOU KNOW, AT YOUR DISCRETION, WAS TO ADD
36 MORE MONEY INTO THESE CONTRACTS. BECAUSE GOING OUT TO BID
37 PERIODICALLY IS VERY TIME CONSUMING, AND SO WE WERE TRYING
38 TO PRECLUDE HAVING TO GO OUT ONCE A YEAR OR SOMETHING
39 BECAUSE IT'S A SEVERAL-MONTH PROCESS.
40 MEMBER JONES: I UNDERSTAND --
41 CHAIRMAN EATON: HOW ABOUT IF YOU WENT OUT WITH --
42 (THE PARTIES SIMULTANEOUSLY SPEAK.)
43 CHAIRMAN EATON: -- THE RFQ NEXT MONTH, OR RIGHT
44 AWAY.
45 MS. ROUCH: I'M SORRY, I DIDN'T HEAR.
46 CHAIRMAN EATON: WHAT HAPPENS IF WE WENT OUT WITH
47 THE RFQ RIGHT AWAY?
48 MS. ROUCH: WELL, I THINK THE CONTRACTS UNIT IS
49 SAYING --
50 MR. WALKER: YEAH.
51 MS. ROUCH: -- THAT WE CAN'T DO THAT. THEY ARE
52 THE ONES --

1 MR. WALKER: WE COULDN'T HAVE ENOUGH --

2 MS. ROUCH: -- WHO DO THIS --

3 MR. WALKER: WE WOULDN'T HAVE ENOUGH TIME TO DO
4 THAT THIS FISCAL YEAR.

5 CHAIRMAN EATON: WELL, I THINK IT JUST MAKES
6 SENSE, IF WE'RE GOING TO -- IF WE GO THROUGH THIS
7 HISTORICALLY, AS MR. JONES SAYS, THAT WE'RE GOING TO GO NOW
8 AND TAKE UP TWO ITEMS IN PIECEMEAL, WE'RE GOING TO GO
9 THROUGH AND DO THIS AWARDING OF THE CONTRACT. AND THEN
10 EVERYONE KNOWS -- AND SO LET THERE NOT BE ANY KIND OF, YOU
11 KNOW, DOUBT ABOUT IT -- THAT WE'RE GOING TO BE RIGHT BACK
12 HERE IN MAY OR JUNE ALLOCATING THAT MONEY. THAT IT COMES
13 RIGHT BACK AND WE'RE GOING TO GO RIGHT BACK TO THESE TWO
14 CONTRACTS.

15 IT JUST MAKES SENSE TO ME, WHY DON'T WE BRING
16 ONE ITEM AT ONE TIME WITH A TOTAL AMOUNT AND QUIT KIDDING
17 EACH OTHER THAT THIS IS THE AMOUNT OF MONEY THAT'S NOT BEING
18 USED, INSTEAD OF TRYING TO GO THROUGH....

19 AND THAT'S WHY I ASKED FOR THE CHART, BECAUSE
20 I -- IN THE YEAR AND A HALF I'VE BEEN HERE -- AND I PRIDE
21 MYSELF AT LEAST BEING SOMEWHAT, YOU KNOW, INTELLIGENT, NOT
22 THE SMARTEST PERSON IN THE WORLD -- BUT, I CAN'T FIGURE OUT
23 YOUR CHARTS HERE. AND EVERY TIME WE GET NICKED AND DIMED
24 BY IT -- AND I'M JUST NOT READY -- PREPARED TO DEAL WITH
25 THAT IN A PIECEMEAL FASHION. IT JUST IS NOT FAIR.

26 MS. ROUCH: MR. EATON, I THINK WE ALLOCATE -- AND
27 WHEN WE ALLOCATE MONEY IN THE BEGINNING OF THE FISCAL YEAR,
28 IN JULY, WE SET ASIDE -- REQUEST THE BOARD TO SET ASIDE
29 MONEY INTO CONTRACTS, WHETHER THEY'RE EXISTING OR GOING OUT
30 TO BID, AS THE CASE MAY BE -- BUT WE'VE ALWAYS LEFT SOME
31 MONEY AVAILABLE FOR GRANTS AND LOANS BECAUSE WE DIDN'T WANT
32 TO BE PRESUMPTUOUS THAT ALL THE MONEY SHOULD GO INTO OUR
33 CONTRACTS.

34 WE WILL DO WHATEVER YOU WOULD LIKE US TO DO,
35 THOUGH.

36 MR. WALKER: AN OPTION WOULD BE TO PUT -- THE
37 BOARD COULD CONSIDER GOING AHEAD NOW AND ALLOCATING THE 1.2
38 IN THE CONTRACTS. THAT DOESN'T SOUND LIKE A PREFERENCE.

39 THE OTHER THING IS, IF THE 1.2 CAN -- IF IT'S
40 NOT USED IN GRANTS AND LOANS, COULD REVERT BACK INTO THE
41 FUND, WHICH WE'D LOSE ACCESS. BUT, IF THE BOARD IS
42 UNCOMFORTABLE WITH....

43 MEMBER JONES: RIGHT.

44 MR. WALKER: AND THEN NEXT FISCAL YEAR, WHEN WE
45 START OFF, THEN THE INITIAL ALLOCATION -- THE BOARD COULD
46 DECIDE HOW THEY WANT TO DO IT. AND THEN, FURTHERMORE,
47 WHETHER OR NOT THEY EVEN WANT US -- THEY MAY WANT US TO GO
48 OUT FOR ANOTHER CONTRACT WITH SOME OF THAT MONEY, STARTING
49 OFF NEXT FISCAL YEAR.

50 CHAIRMAN EATON: WHAT'S YOUR PLEASURE?

51 MEMBER PENNINGTON: WHAT IS THE STATUS OF THE ONES
52 THAT YOU HAVE IN THE PIPELINE, THE LOANS AND GRANT FROM

1 LOCAL GOVERNMENTS?

2 MS. ROUCH: I THINK ONE COULD COME TO US BEFORE
3 THE END OF THIS FISCAL YEAR. I MEAN, I THINK IT'S A
4 DISTINCT POSSIBILITY. THE OTHER ONE IS IFFY, IF I CAN USE
5 THAT WORD.

6 MR. WALKER: WE'VE HAD SOME INQUIRIES IN ONE THAT
7 THERE'S, YOU KNOW, SOME PROBLEMS WITH. BUT CERTAINLY --

8 MEMBER PENNINGTON: SO YOU'RE NOT SURE THAT YOU'RE
9 GOING TO USE ALL OF THAT EITHER.

10 MS. ROUCH: THAT'S CORRECT.

11 CHAIRMAN EATON: AND I THINK IT'S IMPORTANT FOR
12 THE BOARD TO SEE THE TOTAL POT OF MONEY THAT IS COMING BACK
13 FOR REALLOCATION. AND, THEREFORE, BASED UPON STAFF'S
14 RECOMMENDATIONS AND/OR EACH OF YOUR OWN INDIVIDUAL
15 CONVERSATIONS THAT YOU MAY HAVE, SINCE WE TRAVELED OUT
16 THERE, WHICH PROJECTS ARE WORTHY.

17 WE ALL KNOW THAT THERE'S A SITUATION DOWN IN
18 SAN BERNARDINO COUNTY THAT'S COMING TOWARDS US; I MEAN,
19 THERE ARE ALL THESE NUMBERS OF REQUESTS THAT HAVE BEEN
20 ASKED.

21 I THINK IT'S INCUMBENT UPON US, IF WE'RE
22 GOING TO LOOK AT IT LET'S LOOK AT THE TOTAL PICTURE AT ONE
23 TIME IF IT'S POSSIBLE. SOMETIMES THAT'S NOT POSSIBLE. I
24 THINK IT'S POSSIBLE IN THIS OCCASION.

25 MR. CHANDLER.

26 MR. CHANDLER: A COUPLE QUESTIONS FOR STAFF.

27 JULIE, YOU FELT -- YOUR REVIEW TEAM FELT
28 THERE WAS AT LEAST FOUR CONTRACTORS THAT MET, THROUGH THE
29 QUALIFICATION REVIEW, THE APPROPRIATENESS OF BEING
30 INTERVIEWED.

31 MS. NAUMAN: THAT'S CORRECT.

32 MR. CHANDLER: AND I UNDERSTAND THAT YOUR INTEREST
33 WAS TO HAVE MULTIPLE CONTRACTORS IN THE FIELD SO THAT WE CAN
34 SIMULTANEOUSLY ADDRESS A NUMBER OF PROBLEM SITES ON A
35 CONTINUUM.

36 MS. NAUMAN: THAT'S CORRECT, THAT'S BEEN --

37 MR. CHANDLER: AND SO YOU'RE AT A RECOMMENDATION
38 RIGHT NOW THAT YOU WOULD LIKE TO SEE TWO OF THE FOUR
39 CONTRACTORS CONSIDERED FOR AWARD TODAY.

40 MS. NAUMAN: IF I JUST MIGHT CLARIFY? THROUGH THE
41 REVIEW PROCESS WE ESSENTIALLY RANKED THEM. AND ONE OPTION
42 WOULD BE TO PUT ALL OF THE ADDITIONAL MONEY INTO ONE
43 CONTRACT. BUT, AGAIN, IN ORDER TO HAVE MULTIPLE CONTRACTS
44 IN PLACE AT ALL TIMES, RECOGNIZING THAT TWO OF OUR CONTRACTS
45 ARE GOING TO EXPIRE RELATIVELY SOON, THAT WE DECIDED THAT WE
46 WANTED TO SPLIT IT SO WE WOULD CONTINUE TO HAVE MULTIPLE
47 CONTRACTORS.

48 AND AGAIN, THIS IS NOT REALLY A REALLOCATION.
49 THIS IS FROM THE, YOU KNOW, BOARD'S ORIGINAL ACTION TO
50 ALLOCATE THESE DOLLARS TO BOARD-MANAGED CONTRACTS. THE 1.2
51 MILLION IS A SEPARATE ALLOCATE THAT THE BOARD MADE EARLIER
52 IN THE YEAR FOR LOANS AND GRANTS. SO, THERE REALLY ARE KIND

1 OF TWO DIFFERENT ISSUES OF -- OR, TWO DIFFERENT POTS OF
2 MONEY, IF YOU WILL. AND WE ARE JUST TRYING TO FOLLOW
3 THROUGH ON THE BOARD'S PREVIOUS DIRECTION TO TAKE THIS MONEY
4 AND TO GO THROUGH THE COMPETITIVE PROCESS, AND TO PUT IT
5 INTO CONTRACTS FOR BOARD-MANAGED PROJECTS.

6 WE'RE SENSITIVE TO THE BOARD'S INTERESTS IN
7 TRYING TO PROMOTE THE GRANT AND LOAN SIDE OF THE PROGRAM.
8 AND, I HAVE BEEN WORKING WITH STAFF TO TRY AND ENCOURAGE
9 MORE LOCAL GOVERNMENTS TO COME FORWARD AND UTILIZE THOSE
10 PROGRAMS, OR THOSE PROGRAM COMPONENTS.

11 UNFORTUNATELY, AS THE PROGRAM IS CURRENTLY
12 STRUCTURED THERE IS NOT A GREAT DEAL OF INCENTIVE OR
13 INTEREST FOR LOCAL GOVERNMENTS TO WANT TO PARTICIPATE IN
14 THOSE COMPONENTS OF THE PROGRAM. I THINK WE ALL RECOGNIZE
15 THAT, AND THAT IS PROBABLY A SUBJECT FOR FURTHER POLICY
16 DISCUSSION ON WHAT WE CAN DO WITH THE PROGRAM, EITHER
17 REGULATORY OR OTHERWISE, TO IMPROVE THAT SITUATION.

18 MR. WALKER: AND I WANTED TO ADD THAT UNDER THE
19 SITES DISCUSSION, WE'RE BEING DIRECTED TO GO -- IN ADDITION
20 WITH POLICY, TO GO THROUGH THE INCENTIVES AND THE -- YOU
21 KNOW, WE TALKED ABOUT WHEN A LOCAL GOVERNMENT COMES IN, YOU
22 KNOW, TO TRY TO GET THEM TO DO MORE. AND THAT INCLUDES ALSO
23 LOANS AND MATCHING GRANTS. AND SO I THINK WE VIEW THIS AS
24 AN AREA, A POLICY AREA THAT MUST BE FURTHER LOOKED AT.

25 AND THE PROBLEM IS, RIGHT NOW WE HAVE, THE
26 CURRENT YEAR, MUCH OF WHAT WE ARE DISCUSSING IN TERMS OF
27 POLICY WOULD NOT REALLY BE ABLE TO KICK IN TILL THE NEXT
28 YEAR'S CYCLE, BECAUSE OF THE FACT THAT WE'RE RUNNING DOWN
29 THE END OF THE FISCAL YEAR.

30 MR. CHANDLER: JULIE, I WAS --

31 MS. NAUMAN: YES, SIR?

32 MR. CHANDLER: LET ME TRY TO GET TO MY QUESTION.

33 MS. NAUMAN: OKAY.

34 MR. CHANDLER: WE HAVE ADDITIONAL -- WE'RE HEARING
35 TODAY THAT THERE'S THE LIKELIHOOD THAT AS WE APPROACH THE
36 END OF THE FISCAL YEAR THERE MAY BE ADDITIONAL MONIES THAT
37 AREN'T GOING TO BE ENCUMBERED TO ANY GRANTS OR LOANS, BASED
38 ON EITHER A LACK OF INTEREST OR --

39 MS. NAUMAN: THAT'S RIGHT.

40 MR. CHANDLER: -- A LACK OF PUBLICITY, OR WHATEVER
41 THE REASONS ARE FOR NOT GETTING THESE MONIES OUT THE DOOR.

42 AND I GUESS I'M JUST SUGGESTING, MR.
43 CHAIRMAN, THAT MAYBE WHAT WE SHOULD DO IN THAT INTERVENING
44 PERIOD -- SINCE IT APPEARS WE NOW HAVE ADDITIONAL FUNDS
45 BEYOND WHAT IS RECOGNIZED IN THIS AGENDA ITEM AND
46 POTENTIALLY MORE THAN TWO QUALIFYING CONTRACTORS THAT AT
47 LEAST STAFF INTERVIEWED -- THAT WE COME BACK TO YOU AT A
48 SUBSEQUENT DATE AND WITH AT LEAST ENTERTAINING THE NOTION
49 THAT WE LOOK AT ALL QUALIFYING CONTRACTORS WITH THE
50 ADDITIONAL FUNDINGS THAT WE HAVE TO SEE IF THERE'S MORE THAN
51 JUST TWO WE COULD PUT OUT IN THE FIELD. AND BETTER
52 UNDERSTAND, ALSO, WHAT IS ACCURATE WITH RESPECT TO THE GRANT

1 AND LOAN PROGRAM, AND WHAT'S TRULY GOING TO BE COMING
2 FORWARD TO THIS BOARD.

3 BUT, IT DOESN'T SOUND LIKE WE'RE IN THE
4 POSITION TODAY TO REALLY SPEAK TO THAT. AND I THINK WE HAVE
5 A GOOD POINT, THAT WE'RE GOING TO BE REVISITING THE SAME
6 ISSUE IN A MONTH OR TWO, SO WHY DON'T WE DEAL WITH IT ALL AT
7 ONE SETTING.

8 IT MAY BE THAT WE COULD BRING ALL FOUR
9 CONTRACTORS TO THE FIELD, IF YOU WILL, WITH THIS KIND OF
10 FUNDING AVAILABLE. I DON'T KNOW. I JUST DON'T KNOW IF,
11 THROUGH THE INTERVIEW PROCESS, THE TWO THAT WERE DEEMED --
12 IF THE TWO OF THE FOUR WERE NOT DEEMED SUITABLE, OR WERE
13 FOUND TO BE COMPLETELY NOT OF SUFFICIENT QUALIFICATIONS TO
14 BE EVEN CONSIDERED.

15 BUT, IT SEEMS TO ME IF OUR OBJECTIVES ARE TO
16 GET MORE CONTRACTORS OUT IN THE FIELD SIMULTANEOUSLY, AND WE
17 HAVE ADDITIONAL FUNDING COMING AVAILABLE, WE OUGHT TO
18 RECONNOITER AND COME BACK AT A SUBSEQUENT TIME AND EXPLORE
19 MORE OPTIONS WITH YOU THEN.

20 YES?

21 MEMBER ROBERTI: WELL, JUST -- I GUESS I HEARD YOU
22 RIGHT. I JUST WOULD LIKE TO SAY THAT I DON'T THINK OUR
23 PRIMARY CONCERN SHOULD BE THE MULTIPLICITY OF CONTRACTORS,
24 IT SHOULD BE CLEANING UP SITES. WHICH I THINK WE ALL AGREE
25 ON.

26 AND, SO THEN WHEN THE NAMES COME BACK AS TO
27 WHO WE ARE TALKING ABOUT, OR WHATEVER, I WOULD LIKE TO KNOW
28 WHAT THEIR TRACK RECORD IS OR WHATEVER AS WELL, BECAUSE I
29 WANT TO EVALUATE THAT AS MUCH AS I EVALUATE WHAT WE'RE DOING
30 TO HAVE WHAT IS A REASONABLY DECENT GOAL. AND THAT IS TO
31 HAVE MORE THAN ONE PEOPLE SHARE IN THE CONTRACTUAL MONIES
32 THAT WE HAVE. BUT THAT IS A VERY SECONDARY CONSIDERATION TO
33 ME, AS LONG AS IT'S FAIR.

34 MY PRIMARY CONSIDERATION IS, ARE THEY
35 CLEANING UP SITES, ARE THEY DOING THE BEST JOB OF CLEANING
36 UP SITES? OR, MAYBE ARE THEY LOW-BIDDING ON US -- I'M JUST
37 GIVING A SURMISE -- SIMPLY TO, YOU KNOW, GET THE CONTRACT
38 AND AREN'T DOING THE BEST JOB POSSIBLE. THAT WOULD BE A
39 CONSIDERATION. BUT THE BIG THING IS CLEANING UP SITES.

40 MEMBER JONES: MR. CHAIRMAN?

41 CHAIRMAN EATON: MR. JONES.

42 MEMBER JONES: I AGREE WITH THE SENATOR, I WANT TO
43 SEE SITES CLEANED UP.

44 I APOLOGIZE BECAUSE I ASSUMED THAT WHEN WE
45 DID OUR BOARD DIRECTION ON HOW WE WERE GOING TO DO
46 CONTRACTS, WITH MULTIPLE SETS OF EYES LOOKING AT THE SAME
47 THING, TO TAKE AWAY SOME OF THE -- I'M WORKING ON A WORD,
48 NEVER MIND -- TO MAKE SURE THAT WE HAD MORE THAN ONE POINT
49 OF VIEW LOOKING AT CONTRACTS.

50 AND I ASSUMED THAT THAT'S THE WAY THIS ONE
51 ALWAYS WENT OUT. AND WHEN I ASKED -- BECAUSE I WAS
52 SURPRISED THAT THE SAME TWO CONTRACTORS GOT IT AGAIN -- THEN

1 I WAS TOLD, NO, THERE'S ONLY THREE PEOPLE THAT LOOK AT IT
2 AND TWO ARE WITHIN THE SAME STAFF, THAT SAME PROGRAM THAT
3 ALLOCATE THE WORK. AND THAT BOTHERS ME. I DON'T KNOW IF
4 THE SCORING IS SUCH THAT ALL FOUR CONTRACTORS COULD QUALIFY.
5 I DON'T KNOW. AND I DON'T WANT TO JEOPARDIZE THAT.

6 BUT, YOU KNOW, I'M NOT PREPARED TO VOTE FOR
7 THIS TODAY BECAUSE I JUST THINK WE NEED TO FIX IT. YOU
8 KNOW?

9 MEMBER PENNINGTON: WELL, IF WE DON'T VOTE FOR IT
10 TODAY IT'S FINE. BUT, I GUESS WE DO NEED TO GIVE THE STAFF
11 SOME DIRECTION AS TO HOW THEY WANT TO DO.... I MEAN, DO YOU
12 WANT TO DO THE CHANDLER PLAN OR DO YOU WANT TO DO SOME OTHER
13 PLAN?

14 MEMBER JONES: IN MY OPINION, THAT REEVALUATING
15 THOSE SCORES -- I MEAN, LOOKING AT THOSE SCORES AND SEEING -
16 - YOU KNOW, IF THEY'RE WITHIN A POINT OR TWO, I DON'T HAVE A
17 REAL PROBLEM WITH THAT. AND I DON'T KNOW WHAT YOUR SCORING
18 IS, I DIDN'T ASK, I DON'T CARE. IT JUST -- I THINK WE NEED
19 TO FIX THIS. I -- AND CONTINUE TO CLEAN UP SITES.

20 BUT, I SEE THIS AS A WEAK LINK IN OUR
21 PROCESS, AND I THINK WE OWE IT TO OURSELVES AND EVERYBODY
22 ELSE TO FIX IT RATHER THAN TO PERPETUATE IT. SO.

23 MEMBER PENNINGTON: WELL, THEN WHY DON'T WE GO BY
24 THE CHANDLER PLAN AND LET HIM....

25 MR. CHANDLER: YEAH. I WOULD LIKE TO REVIEW THESE
26 SCORES. IF THERE'S A CLEAR BREAK THAT THESE TWO WERE
27 SUFFICIENTLY ABOVE THE OTHERS IN QUALIFICATIONS, I THINK
28 THAT SENDS A MESSAGE. AND I ALSO FEEL WE NEED TO REVIEW OUR
29 FINANCIAL STATUS IN THIS WHOLE ACCOUNT RELATIVE TO THE FACT
30 THAT WE HAVE SOME GRANTS AND LOANS THAT, QUOTE, ARE "IN THE
31 PIPELINE" BUT REALLY ARE, QUOTE, "IFFY" AND GIVE YOU A FULL
32 BUDGET PICTURE SO THAT WE CAN ALLOCATE THE APPROPRIATE
33 AMOUNT TO THE MOST QUALIFIED CONTRACTOR OR CONTRACTORS.

34 AND WE NEED TO RECONNOITER TO DO THAT, AND
35 I'M SUGGESTING WE COME BACK NEXT MONTH, OR PERHAPS THE EARLY
36 MAY BOARD MEETING, AND GIVE YOU THAT OVERVIEW.

37 CHAIRMAN EATON: PERHAPS THE EARLY MAY MEETING,
38 WHICH IS ONLY LIKE A WEEK AFTER THE OTHER ONE, MIGHT BE MORE
39 HELPFUL SINCE THAT'LL GIVE US TIME TO GO OVER SOME OF THE
40 OTHER CRITERIA, AND IT'LL BE CLOSER TO THE TIME THAT LOCAL
41 GOVERNMENTS MAY OR MAY NOT MAKE UP THEIR MINDS.

42 SO, WITHOUT OBJECTION, WE'LL CONTINUE THIS
43 ITEM UNTIL THE EARLY MAY MEETING, WHICH I BELIEVE I STATED
44 IS MAY 5TH. AND I WILL -- AT THAT TIME WE'LL TAKE UP THE
45 ITEM PER MR. CHANDLER.

46 MR. JONES.

47 MEMBER JONES: MR. CHAIRMAN, I'M ASSUMING THAT P&E
48 IS GOING TO WORK WITH ADMIN AND FIGURE SOME OF THOSE THINGS
49 OUT? GREAT, THANK YOU.

50 MEMBER PENNINGTON: YOU DON'T FEEL YOU NEED A
51 MOTION ON -- I'M JUST CHECKING.

52 MR. CHANDLER: I THINK YOU WERE MAKING THE POINT

1 THAT STAFF PROBABLY NEEDS TO WALK AWAY WITH SOME DIRECTION,
2 AND I FEEL WE NOW HAVE THAT.

3 MEMBER PENNINGTON: OKAY, THANK YOU.

4 CHAIRMAN EATON: THANK YOU, MR. PENNINGTON.

5 AGENDA ITEM NO 12: CONSIDERATION OF ADOPTION OF THE
6 PROPOSED REGULATIONS FOR UNRELIABLE CONTRACTORS,
7 SUBCONTRACTORS, BORROWERS, AND GRANTEES; OR, APPROVAL TO
8 NOTICE REVISIONS TO THE PROPOSED REGULATIONS FOR AN
9 ADDITIONAL 15-DAY COMMENT PERIOD

10 CHAIRMAN EATON: ALL RIGHT. ITEM NO. 12,
11 CONSIDERATION OF ADOPTION OF PROPOSED REGULATIONS FOR
12 UNRELIABLE CONTRACTORS.

13 MR. BLOCK: GOOD AFTERNOON CHAIRMAN PENNINGTON
14 (SIC) AND BOARD MEMBERS. I AM ELLIOT BLOCK FROM THE LEGAL
15 OFFICE, HERE TO TALK TO YOU ABOUT ITEM NO. 12, PROPOSED
16 REGULATIONS FOR UNRELIABLE CONTRACTORS.

17 I HAVE A PRESENTATION HERE, BUT GIVEN THE
18 LATE HOUR I DON'T THINK I'M GOING TO NECESSARILY GO THROUGH
19 ALL OF THE ITEMS. I AM ACTUALLY PREPARED TO GO THROUGH THE
20 VARIOUS COMMENTS THAT WERE MADE AND THE PROPOSED CHANGES
21 THAT HAVE BEEN MADE, BUT I THINK WHAT I'LL DO IS I'LL GO
22 THROUGH SOME OF THESE FAIRLY QUICKLY AND HIT JUST THE TWO
23 MAIN AREAS WHERE THERE ARE SOME PARTICULAR AREAS OF
24 DISCUSSION THAT HAVE BEEN GOING ON WHERE SOME CHANGES WERE
25 NOT MADE. IF THAT IS ALL RIGHT?

26 CHAIRMAN EATON: PLEASE PROCEED.

27 MR. BLOCK: OKAY. JUST VERY BRIEFLY, THOUGH, I
28 WILL SAY WE ARE HERE TODAY, WE HAVE HAD A 45-DAY COMMENT
29 PERIOD ON THESE REGULATIONS THAT ENDED ON FEBRUARY 16TH. WE
30 RECEIVED 32 COMMENTS FROM FIVE COMMENTORS.

31 IN TERMS OF THE AGENDA PACKET IN FRONT OF
32 YOU, ATTACHMENT 1, WHICH BEGINS I BELIEVE ON PAGE 12-4, IS
33 SORT OF A SIDE-BY-SIDE COMPARISON OF THE REGULATIONS AND THE
34 COMMENTS RECEIVED. ATTACHMENT 2, WHICH BEGINS ON PAGE 12-
35 24, IS PROBABLY THE EASIER ONE TO FOLLOW ALONG IN TERMS OF
36 SOME CHANGES, AND THAT'S SORT OF THE STANDARD REGULATION
37 TEXT WITH STRIKE-OUT AND UNDERLINING TO SHOW THE PROPOSED
38 CHANGES. AND THEN ATTACHMENT 3 IS SIMPLY A NARRATIVE
39 SUMMARY OF THE COMMENTS RECEIVED AND THE LIKE.

40 ONE OF THE MAIN AREAS WHERE WE HAD THE --
41 FRANKLY, THE LARGEST NUMBER OF COMMENTS HAD TO DO WITH THE
42 VERY FIRST SECTION OF THE REGULATIONS, IT'S SECTION 17050,
43 AND IT'S ON PAGE 12-24 OF YOUR PACKET, AND IT HAS TO DO WITH
44 THE GROUNDS FOR BEING ON THE UNRELIABLE CONTRACTOR LIST.
45 AND I SHOULD SAY FOR THE RECORD, IT'S ACTUALLY THE
46 UNRELIABLE CONTRACTOR, SUBCONTRACTOR, BORROWER OR GRANTEE
47 LIST, BUT FOR BREVITY JUST SAYING THE UNRELIABLE CONTRACTOR
48 LIST.

49 WE RECEIVED A NUMBER OF -- THIS SECTION HAS A
50 NUMBER OF SUBSECTIONS WHICH ESSENTIALLY ARE AN ENTRY POINT
51 TO THE PROCESS FOR BEING PLACED ON THE UNRELIABLE LIST. IT
52 PROVIDES GROUNDS FOR A REASON WHY SOMEBODY MAY BE INCLUDED

1 ON THE LIST, AND THEN THE REST OF THE REGULATIONS PROVIDE A
2 PROCESS FOR EITHER PLACING THOSE ENTITIES ON THE LIST, OR
3 PERHAPS NOT PLACING THEM ON THE LIST DUE TO MITIGATION
4 THAT'S INVOLVED.

5 I DO HAVE IN THESE REGULATIONS SOME PROPOSED
6 CHANGES TO ADD SOME CLARIFICATIONS AND THE LIKE. HOWEVER,
7 THE VAST MAJORITY OF COMMENTS WERE RELATED TO THE FACT THAT
8 A NUMBER OF THESE SECTIONS THE COMMENTORS BELIEVED WERE TOO
9 BROAD OR -- WELL, PRIMARILY TOO BROAD.

10 THOSE PARTICULAR COMMENTS, IN TERMS OF THE
11 PROPOSAL BEFORE YOU NOW, DON'T SHOW THOSE PARTICULAR CHANGES
12 AS BEING MADE PRIMARILY BECAUSE I FELT BEFORE I MADE THAT
13 RECOMMENDATION THAT WE WANTED TO BRING IT BACK TO THE BOARD
14 FOR SOME DIRECTION. THE BOARD HAD PREVIOUSLY LOOKED AT
15 THESE REGULATIONS AND HAD INCLUDED ALL OF THOSE ITEMS. AND
16 ESSENTIALLY, IN TERMS OF THE COMMENTS THAT HAVE BEEN MADE,
17 IT'S REALLY MORE OF A SORT OF A BROADER CONCEPTUAL ISSUE IN
18 TERMS OF HOW THESE REGULATIONS WILL WORK.

19 THE COMMENTS WHICH ARE NOW ON THE BOARD IN
20 FRONT OF YOU PRIMARILY RELATE TO NARROWING THE GROUNDS THAT
21 ARE IN SECTION 17050. FOR INSTANCE, ADDING THE WORD
22 "MATERIAL" IN FRONT OF THE WORD "VIOLATION" IN A NUMBER OF
23 LOCATIONS, THAT SORT OF THING.

24 IT IS CERTAINLY A WAY THAT THESE REGULATIONS
25 CAN BE DONE. HOWEVER, WHAT IT DOES IS, IT SORT OF CHANGE
26 THE WAY THE PROCESS IS SET UP. IN TERMS OF THE REGULATORY
27 SCHEME RIGHT NOW, THAT SECTION IS VERY BROAD. AND THE IDEA
28 I THINK INITIALLY WAS TO MAKE SURE THAT THERE WERE NO
29 LOOPHOLES. AND THEN THE PROCESS FOR AN EXECUTIVE DIRECTOR
30 FINDING, AND THEN POTENTIALLY AN APPEAL TO THE BOARD ALLOWS
31 THAT LIST TO BE NARROWED, IF YOU WILL, BASED ON MITIGATING
32 FACTORS. BUT LET ME JUST BRIEFLY GO THROUGH THESE.

33 AND IF YOU LOOK AT YOUR REGULATIONS ON PAGE
34 12-24 YOU CAN FOLLOW ALONG. SUBSECTION (b) WHICH IS THE
35 GROUNDS FOR DETERMINATION BY THE ATTORNEY GENERAL FOR
36 VIOLATION OF THE FALSE CLAIMS ACT WITHOUT THE FILING OF A
37 CIVIL ACTION. SO, FOR INSTANCE, WE HAD A COMMENT THAT SAID,
38 WELL, WHY WOULD YOU WANT TO INCLUDE THIS IF THE ATTORNEY
39 GENERAL HAS NOT FILED A CIVIL ACTION.

40 ALSO, SUBSECTION (i), WHICH IS ON THE BOTTOM
41 OF THAT PAGE, LISTS AS THE GROUNDS "CURRENT VIOLATION OF ANY
42 BOARD STATUTE OR REGULATION," AND WE RECEIVED A NUMBER OF
43 COMMENTS SAYING THAT THAT WAS TOO BROAD, OR IT CERTAINLY
44 NEEDED TO HAVE SOME SORT OF MODIFICATION SAYING IT SHOULD BE
45 SOME SORT OF MATERIAL VIOLATION, OR SERIOUS VIOLATION, OR
46 RECURRING VIOLATION.

47 ON THE NEXT PAGE, 12-25, SUBSECTION (j),
48 WHICH HAS AS ONE OF THE GROUNDS THAT THE PERSON OR ENTITY IS
49 ON THE LIST OF SOME OTHER ENTITY, SOME OTHER'S UNRELIABLE
50 LIST. THERE WAS CONCERNS THAT THERE WAS NO LIMITATION IN
51 THE SENSE OF HOW THOSE OTHER LISTS WERE COMPILED.

52 AND THEN FINALLY, JUST FOR THIS PARTICULAR

1 ISSUE, SUBSECTION (k), WHICH IS ALSO NEAR THE TOP OF THAT
2 PAGE, IS SORT OF A CATCHALL, IT'S ANY OTHER GROUNDS FOR
3 DISQUALIFICATION. AND, OF COURSE, THERE WERE SOME CONCERNS
4 THAT THAT WAS TOO BROAD.

5 SO, THOSE PARTICULAR COMMENTS AND CHANGES
6 WERE THINGS THAT ARE NOT NECESSARILY -- THERE'S NOT
7 NECESSARILY A LEGAL PROBLEM ONE WAY OR THE OTHER, IT'S
8 REALLY A QUESTION OF HOW THE BOARD WANTS THIS LIST TO WORK.

9 AS THE REGULATIONS ARE CURRENTLY PHRASED,
10 WITHOUT THOSE CHANGES, THERE IS THE POTENTIAL FOR MORE
11 PERSONS AND ENTITIES TO BE INCLUDED IN THE PROCESS. AND
12 THEN, AS I SAID, THEN POTENTIALLY WEEDED OUT OF THE PROCESS
13 BEFORE THEY'RE ACTUALLY PLACED ON THE LIST.

14 ONE OF THE THINGS I DID DO ON -- JUST TURNING
15 BACK TO THE FIRST PAGE AGAIN, NEAR THE TOP OF THE SECTION, I
16 DID ADD SOME LANGUAGE THAT SPECIFICALLY SAID THAT SINCE THAT
17 SEEMED TO BE AN ISSUE, JUST IN TERMS OF SOME CLARIFICATION.

18 BUT CERTAINLY THE BOARD HAS THE OPTION, IF
19 THEY WANT TO NARROW THE GROUND SORT OF IN -- WHAT I'VE
20 CALLED THE ENTRY POINT TO THE REGULATIONS, THAT'S ANOTHER
21 WAY TO GO. IT'S A QUESTION OF HOW THE BOARD WOULD LIKE THIS
22 PROCESS TO WORK.

23 JUST A QUICK LOGISTICAL QUESTION. THERE'S
24 ONE OTHER MAJOR AREA I WANTED TO TALK ABOUT, BUT IT'S A
25 SLIGHTLY DIFFERENT TOPIC, AND I DIDN'T KNOW IF YOU WANTED TO
26 EITHER ASK QUESTIONS ABOUT THIS NOW, OR GIVE SOME DIRECTION,
27 OR HAVE ME GO THROUGH THE OTHER COMMENTS AS WELL.

28 CHAIRMAN EATON: DO YOU WANT TO GO THROUGH THE
29 OTHER COMMENTS QUICKLY, IF YOU THINK THEY WON'T TAKE UP TOO
30 MUCH TIME --

31 MR. BLOCK: I THINK THIS IS THE PLACE WHERE YOU'VE
32 GOT --

33 CHAIRMAN EATON: RIGHT.

34 MR. BLOCK: -- WE'VE GOTTEN THE LARGEST AMOUNT OF
35 COMMENTS.

36 THE OTHER ISSUE I JUST WANTED TO MENTION AS A
37 -- ONE OF THE LARGER -- HERE WE GO. I APOLOGIZE FOR THAT, I
38 ACTUALLY HAVE ABOUT 15 SLIDES AND I'M TRYING TO SHORTEN THIS
39 UP, SO IT'S HARD TO REMEMBER WHICH ORDER THEY'RE IN.

40 ONE OF THE OTHER PLACES WE GOT A NUMBER OF
41 COMMENTS HAD TO DO WITH THE HEARING, IF THERE IS AN APPEAL
42 TO THE BOARD. AND THE MAIN CONCERN I THINK REALLY REVOLVES
43 AROUND THIS OTHER ASPECT OF THE BIG CONCEPTUAL ISSUE I
44 MENTIONED, WHICH IS IF ONCE YOU'RE ON -- ONCE YOU HAVE -- AN
45 ENTITY HAS FIT ONE OF THE GROUNDS IN THAT FIRST SECTION,
46 THERE'S THEN A PROCESS FOR THE EXECUTIVE DIRECTOR TO MAKE A
47 PROPOSED FINDING AND THEN -- AND/OR AN APPEAL TO THE BOARD
48 IF THE ENTITY DOESN'T LIKE THAT. AND, ESSENTIALLY, AT THOSE
49 STAGES MITIGATING FACTORS GET TAKEN INTO CONSIDERATION.

50 THE CURRENT REGULATIONS, IF YOU LOOK ON PAGE
51 12-27, SECTION 17054, THE EXECUTIVE DIRECTOR FINDING.
52 ACTUALLY, BECAUSE OF SOME OF THOSE COMMENTS I ADDED SOME

1 EXPLICIT LANGUAGE -- I'M PROPOSING TO ADD SOME EXPLICIT
2 LANGUAGE INTO THAT SECTION THAT SAYS MAY TAKE INTO
3 CONSIDERATION MITIGATING FACTORS. AND THEN IF YOU -- BUT
4 THERE WASN'T A LOT OF DETAIL THERE, IN TERMS OF WHAT
5 MITIGATION WAS, IT'S JUST SORT OF A GENERAL SECTION.
6 AND THEN IF YOU LOOK ON PAGE 12-29 --
7 CHAIRMAN EATON: THAT WAS ADDED ON 12-27 --
8 MR. BLOCK: THAT'S THE --
9 (THE PARTIES SIMULTANEOUSLY SPEAK.)
10 CHAIRMAN EATON: -- THAT THE UNDERSCORING --
11 MR. BLOCK: -- THE UNDERLYING LANGUAGE, YES, IS MY
12 PROPOSED LANGUAGE TO ADD -- MAKE THAT A LITTLE MORE
13 EXPLICIT.
14 CHAIRMAN EATON: OKAY.
15 MR. BLOCK: BUT THEN EVEN MORE SPECIFIC -- AND, OF
16 COURSE, IT COULD BE PLACED IN BOTH SECTIONS -- IF YOU LOOK
17 ON PAGE 12-29, SUBSECTION (j) AND (k) TALK ABOUT THE BOARD
18 CONSIDERATION OF MITIGATING FACTORS. AND (k) IN PARTICULAR,
19 IT'S ONE OF THOSE EXAMPLES OF MITIGATION INCLUDED BUT NOT
20 LIMITED TO, AND SO OBVIOUSLY WE CAN INCLUDE OTHER THINGS.
21 BUT, THERE'S TWO EXAMPLES THERE THAT ARE --
22 THE EXAMPLES THEMSELVES ARE NOT VERY -- NOT GOING TO OCCUR
23 THAT OFTEN, LET'S PUT IT THAT WAY. THE LANGUAGE IS WRITTEN
24 SO THAT WE CONSIDER SOME OTHER THINGS, BUT WE HAVE HAD SOME
25 COMMENTS THAT EITHER THAT LANGUAGE NEEDS TO BE MADE JUST
26 MORE GENERAL, OR WE SHOULD ADD TO THE LIST OF MITIGATION,
27 BECAUSE THE EXAMPLES THAT ARE GIVEN THEMSELVES ARE FAIRLY
28 STRICT, IS PERHAPS THE BEST WAY TO DO IT.
29 AND I'LL JUST POINT YOU TO THE FIRST SECTION,
30 WHICH IS ALL OF THE APPELLANT'S CORPORATE OFFICERS WERE
31 REPLACED AFTER A PROPOSED FINDING OF UNRELIABILITY.
32 DEPENDING ON THE SIZE OF THE ENTITY YOU'RE DEALING WITH,
33 THAT'S A PARTICULARLY SIGNIFICANT MITIGATING FACTOR WHICH
34 MAY OR MAY NOT BE NECESSARY.
35 SO, ON THE SCREEN IN FRONT OF YOU NOW IS A --
36 WE DID RECEIVE SOME SPECIFIC LANGUAGE, ACTUALLY A COUPLE OF
37 DAYS AGO, WITH SOME SUGGESTED MITIGATION THAT ARE JUST MORE
38 -- THERE ARE SOME EXAMPLES, BUT THEY'RE MORE SPECIFIC THAN
39 SIMPLY SAYING CONSIDER MITIGATING FACTORS. AND I'M -- IT'S
40 PROBABLY DIFFICULT FOR YOU TO READ THOSE ON THOSE MONITORS
41 SO I'LL JUST READ THEM VERY QUICKLY, AND THESE ARE BASICALLY
42 SORT OF STANDARD KIND OF MITIGATING TYPE THINGS:
43 THE DEGREE OF COOPERATION WITH LAW
44 ENFORCEMENT IN EITHER APPREHENDING OR PROSECUTING THE
45 OFFENDER. AND THE IDEA IS IF YOU'VE GOT SOMEBODY WITHIN THE
46 COMPANY THAT'S DONE SOMETHING WRONG, BUT NOT THE ENTIRE
47 COMPANY;
48 THE DEGREE TO WHICH RESTITUTION OR OTHER
49 COMPENSATION WAS PAID;
50 WHETHER THE OFFENDING INDIVIDUAL IS IN
51 DEFIANCE OF A WELL-ESTABLISHED COMPANY POLICY;
52 WHETHER INTERNAL COMPANY DEVICES DETECTED THE

1 OFFENSE AND HAVE OTHERWISE BEEN MODIFIED TO PREVENT FUTURE
2 SIMILAR OFFENSES;

3 THE COMPANY'S PREVIOUS RECORD OF OFFENSES.

4 AGAIN, THIS IS -- THIS PARTICULAR LANGUAGE I
5 JUST GOT. BUT IN TERMS OF THE MITIGATING FACTORS, IT'S
6 PHRASED VERY BROADLY IN TERMS OF THE WAY THE REGULATIONS ARE
7 NOW. AND IT'S REALLY A FUNCTION OF HOW THE BOARD WOULD LIKE
8 THAT TO READ, WHETHER WE WANT TO LIST MORE SPECIFIC EXAMPLES
9 OR NOT, BUT THAT SEEMED TO BE A PARTICULAR CONCERN.

10 AND I THINK I'M ACTUALLY OUT OF ORDER, SO
11 I'LL JUST SAY IT RATHER THAN SHOW YOU ON THE MONITOR, THE
12 ONE OTHER ISSUE I THINK WE DID ALSO -- THAT I DID NOT GO
13 AHEAD AND MAKE A CHANGE AT THIS POINT YET ON THE TIMING FOR
14 REQUESTING AN APPEAL FOR THE BOARD -- RIGHT NOW IN THE
15 REGULATIONS IS 15 DAYS AFTER THE EXECUTIVE DIRECTOR FINDING,
16 AND THERE WAS SOME CONCERN THAT THAT WAS A SHORT -- TOO
17 SHORT OF A PERIOD OF TIME. IT'S MODELED ON SOME PROVISIONS
18 OF -- ACTUALLY, IT'S EITHER AB 59 AND/OR THE -- OF THE
19 ADMINISTRATIVE PROCEDURE ACT, BUT, YOU KNOW, THERE'S NO
20 MAGIC NUMBER TO 15. WE WERE, IN TERMS OF WRITING THE
21 REGULATIONS, INITIALLY JUST TRYING TO MAKE SURE THIS PROCESS
22 DIDN'T DRAG OUT FOR TOO LONG.

23 THERE ARE -- I WILL JUST SAY, BECAUSE I KNOW
24 THERE ARE SOME SPEAKERS AND -- AT LEAST ONE SPEAKER IN THE
25 AUDIENCE -- THERE ARE A NUMBER OF OTHER SPECIFIC
26 CHANGES/RECOMMENDATIONS I'VE MADE IN HERE AND THEY WERE
27 DETAILED IN THE PACKET. I CAN GO OVER THOSE. I'M ASSUMING
28 THAT AT THIS TIME OF THE DAY YOU PROBABLY DON'T WANT TO GO -
29 - ME TO GO OVER THOSE IN DETAIL. I CAN RESPOND TO SPECIFIC
30 QUESTIONS IF YOU'VE GOT THOSE, OR YOU MAY WANT TO HEAR FROM
31 WHO'S EVER -- WANTS TO SPEAK IN THE AUDIENCE ABOUT THESE.

32 IN TERMS OF THE OVERALL RECOMMENDATION, SOME
33 OF THE CHANGES THAT WE ARE RECOMMENDING, EVEN IF YOU DON'T
34 DIRECT US TO DO ADDITIONAL ONES, WOULD REQUIRE ANOTHER 15-
35 DAY COMMENT PERIOD, AND THEN WE'D BE AGAIN COMING BACK TO
36 THE BOARD. AND THAT WOULD BE OUR RECOMMENDATION.

37 CHAIRMAN EATON: ANY QUESTIONS OF MR. BLOCK? MR.
38 JONES.

39 MEMBER JONES: I HAD ASKED IN MY BRIEFING, WE TALK
40 ABOUT THE CERTAIN OCCASIONS WHEN WE CAN DO THESE
41 DELIBERATIONS IN CLOSED SESSION, BUT THE CAVEAT IS AS
42 ALLOWED BY LAW. AND IF IT DOESN'T ALLOW IT THEN I THINK WE
43 NEED TO -- YOU KNOW, IF IT'S NOT GOING TO HAPPEN I THINK
44 PEOPLE NEED TO KNOW THAT THEIR BUSINESS IS GOING TO BE TAKEN
45 CARE OF HERE ON THE DIAS AND NOT IN CLOSED SESSION.

46 MR. BLOCK: RIGHT, AND IN -- THAT'S TRUE.
47 ACTUALLY, WHILE YOU WERE SPEAKING I WAS ABLE TO GO BACK TO
48 THAT OVERHEAD. WE DID GET A COMMENT ABOUT CONFIDENTIALITY
49 BOTH OF THE HEARING AND OF THE DOCUMENTS.

50 AND JUST BY WAY OF TRYING TO ADD A LITTLE BIT
51 OF CLARITY, I HAD PROPOSED ADDING SOME LANGUAGE IN TO THE
52 REGULATIONS THAT REFER TO THE PARTICULAR SECTIONS INVOLVED.

1 SO, GOVERNMENT CODE SECTION 11126 IS THE ONE THAT GOVERNS
2 CLOSED SESSIONS, AND THE TWO OTHER GOVERNMENT CODE SECTIONS
3 HAVE TO DO WITH THE PUBLIC RECORDS ACT. BUT, AS YOU CAN
4 SEE, THEY ARE SOMEWHAT LIMITED.

5 IN TERMS OF CLOSED SESSIONS, THE ONLY ONES
6 THAT APPEAR TO BE POTENTIALLY -- AND, AGAIN, IT WOULD DEPEND
7 ON THE FACTS OF THE INDIVIDUAL CASE -- POTENTIALLY USABLE
8 MIGHT BE IF WE WERE HAVING A FULL-BLOWN ADMINISTRATIVE
9 HEARING ON ONE OF THESE ISSUES, WHICH MIGHT OR MIGHT NOT BE
10 THERE. BUT, AGAIN, IT'S VERY GENERALLY PHRASED AND IT'S
11 HARD TO SAY HOW IT MIGHT APPLY IN A PARTICULAR CASE.

12 THE OTHER ONE THAT'S A LITTLE BIT MORE
13 SPECIFIC, SO IT'S MORE LIKELY TO -- IF IT OCCURS IT'S MORE
14 LIKELY TO BE USABLE FOR HAVING A CLOSED SESSION, BUT IT'S
15 ALSO -- I'M NOT SURE HOW LIKELY THE CIRCUMSTANCES ARE TO
16 COME UP -- WOULD BE IF THE DISCUSSION INVOLVES TRADE
17 SECRETS, CONFIDENTIAL OR PROPRIETARY INFORMATION. AND,
18 LIKEWISE, YOU'VE ESSENTIALLY GOT THE SAME TYPE OF A LIMITED
19 EXCEPTION TO THE PUBLIC RECORDS ACT AS WELL.

20 SO I -- TO BE HONEST WITH YOU, IT'S HARD TO
21 SAY, BUT I'D SAY PROBABLY ABOUT 80 PERCENT CHANCE THAT IT
22 WOULD BE DIFFICULT TO KEEP MOST OF THIS STUFF CONFIDENTIAL,
23 BUT IT WOULD DEPEND ON THE FACTS. SO IF IT'S THE BOARD
24 DIRECTION TO NOT WORRY ABOUT CONFIDENTIALITY, WE CAN GO THAT
25 WAY AS WELL.

26 IT'S CERTAINLY NOT MY INTENT, OR OUR INTENT
27 IN THIS TO TRY TO GIVE PEOPLE FALSE HOPES THAT THINGS
28 WOULDN'T EVENTUALLY BECOME PUBLIC.

29 MEMBER JONES: I THINK CONFIDENTIALITY IS
30 IMPORTANT. BUT, IF WE CAN'T ACHIEVE IT AND WE STATE IT IN
31 OUR REGS --

32 MR. BLOCK: RIGHT.

33 MEMBER JONES: -- IT'S ALMOST LIKE SAYING, WELL,
34 WE REALLY WANTED TO BUT WE CAN'T.

35 MR. BLOCK: RIGHT.

36 MEMBER JONES: IT DOESN'T MAKE ANY SENSE TO ME.
37 YOU KNOW, IT JUST....

38 MR. BLOCK: THANK YOU FOR BRINGING THAT UP. THAT
39 WAS ACTUALLY -- THERE WERE THREE MAIN AREAS, THAT WAS THE
40 OTHER ONE --

41 MEMBER JONES: WELL, IT'S LATE.

42 MR. BLOCK: -- AND I WAS JUST TRYING TO GO THROUGH
43 IT A LITTLE TOO FAST.

44 MS. TOBIAS: IF I COULD ADD, MR. JONES, ONE WAY TO
45 DEAL WITH THAT CONFIDENTIALITY ASPECT WOULD BE TO LOOK AT
46 SOME KIND OF LEGISLATIVE CHANGE. BECAUSE THIS IS A
47 DIFFERENT OR SOMEWHAT OF A NEW POLICY THAT WE'RE PRESENTING
48 THAT REALLY A LOT OF OTHER AGENCIES DON'T HAVE IT MIGHT BE
49 SOMETHING THAT WE MIGHT BE ABLE TO OBTAIN SOME KIND OF
50 CONFIDENTIALITY.

51 BUT I DON'T KNOW -- YOU KNOW, USUALLY THOSE
52 ARE -- THOSE EXEMPTIONS ARE GRANTED PRETTY -- IN A PRETTY

1 RESTRICTED WAY, BUT THAT CERTAINLY ANOTHER WAY TO DO IT, IS
2 TO, YOU KNOW, MOVE AHEAD WITH THIS NOW BUT TO PURSUE
3 SOMETHING THAT LAYS OUT THE -- THIS PARTICULAR PROCESS, AND
4 THEN SAYS, YOU KNOW, COULD WE HAVE A CONFIDENTIAL HEARING ON
5 THAT.

6 MEMBER JONES: RIGHT.

7 MR. BLOCK: AND I WOULD ADD, THE ACTUAL -- THE
8 PARTICULAR SUBSECTION IN THE OPEN MEETING LAW WHICH ALLOWS
9 FOR CONFIDENTIALITY AND TRADE -- DISCUSSION INVOLVING TRADE
10 SECRETS, CONFIDENTIAL/PROPRIETARY INFORMATION ACTUALLY
11 REFERENCES THIS BOARD. IT'S THE DISCUSSION BY THE
12 CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD. MY
13 RECOLLECTION IS IT TOOK US ABOUT THREE OR FOUR YEARS TO GET
14 THAT ADDED INTO THE STATUTE WHEN WE DID THAT A FEW YEARS
15 AGO.

16 CHAIRMAN EATON: MR. BLOCK, IF I UNDERSTAND IT --
17 JUST TO KIND OF FRAME THE ISSUE BEFORE WE GET TO THE PEOPLE
18 WHO DESIRE TO SPEAK ON THE ISSUE -- IS THAT BASED UPON YOUR
19 PRESENTATION HERE AND IN OUR BRIEFINGS, THAT THEY -- YOU
20 FELT THAT THERE MAY VERY WELL BE VALID POINTS WITH REGARD TO
21 SOME OF THE SUGGESTIONS, OR RECOMMENDATIONS, OR COMMENTS
22 WITH REGARD TO THE ITEMS YOU MENTIONED. BUT THAT YOU JUST
23 FELT IN GOOD CONSCIENCE, BASED UPON OUR PREVIOUS ACTION IN
24 DIRECTING YOU, THAT YOU PROBABLY COULDN'T INCORPORATE THEM
25 WITHOUT COMING BACK TO US. IS THAT CORRECT?

26 MR. BLOCK: THAT'S CORRECT.

27 CHAIRMAN EATON: OKAY. ALL RIGHT.

28 MR. BLOCK: THE PROPOSED CHANGES ARE -- WHERE I'VE
29 MADE PROPOSED CHANGES, THEY'RE ALL ALONG THE LINES OF
30 CLARIFICATION AND MAKING THE REGULATION PROCESS A LITTLE
31 MORE CLEARER. THE PARTICULAR CHANGES THAT I HAVEN'T GONE
32 AHEAD AND MADE ARE MORE IN THE LINE OF -- "POLICY" IS AN
33 OVERUSED WORD, BUT IT'S SORT OF CONCEPTUALLY HOW THE BOARD
34 WOULD WANT THIS PROCESS TO WORK.

35 CHAIRMAN EATON: RIGHT. AND ONE OF THOSE WOULD BE
36 AT THE FRONT END OF THE PROCESS, NARROWING THE LIST BY WHICH
37 YOU COULD ACTUALLY COME INTO THE FISHNET, SO TO SPEAK,
38 BEFORE THE TRAP IS CLOSED.

39 MR. BLOCK: THAT'S CORRECT.

40 CHAIRMAN EATON: OKAY. AND I THINK THAT, JUST SO
41 WE KNOW, IF WE CAN GIVE YOU CLEARER DIRECTION ON THE WAY-
42 BACK (PHONETIC PHRASE) -- AND SOME OF THOSE POINTS, AT LEAST
43 AS FAR AS I KNOW, WOULD BE -- RELATE THAT THERE MUST BE SOME
44 NEXUS OR OTHER KINDS OF MEANS WHICH MAY BE HELPFUL TO TRYING
45 -- SO, IT MAY NOT BE NECESSARILY NARROWING THE TRAP, BUT
46 ACTUALLY DEFINING BY WHICH -- YOU KNOW, WHERE THE TRAP CAN
47 BE PLACED ACTUALLY, I THINK IS THE TERM AND STUFF LIKE THAT.

48 BECAUSE, IT DOES MAKE SOME SENSE THAT THERE
49 SHOULD BE A NEXUS BETWEEN THINGS IF AT ALL POSSIBLE.
50 BECAUSE ALL OF US ARE ON DIFFERENT MAILING LISTS, AND SUCH
51 LIKE THAT, WE SURE WOULDN'T WANT TO BE EXCLUDED FROM
52 ANYTHING BASED UPON THE FACT THAT WE DIDN'T HAVE A NEXUS.

1 OKAY. ANY OTHER QUESTIONS OF MR. BLOCK?

2 OKAY, I HAVE TWO SLIPS. I HAVE MR. KENT
3 STODDARD FROM WASTE MANAGEMENT, AND MR. GENE URBIN OF THE
4 LAW FIRM OF NIELSEN, MERKSNER, ET AL. (PHONETICS ALL).

5 MR. STODDARD: MR. CHAIRMAN AND MEMBERS OF THE
6 BOARD, KENT STODDARD REPRESENTING WASTE MANAGEMENT. AND AT
7 THE RISK OF SOME REDUNDANCY, I THINK A LOT OF THE ISSUES
8 THAT WE WERE CONCERNED WITH ELLIOT HAS SUMMARIZED PRETTY
9 WELL.

10 I DID WANT TO SAY, GENE URBIN, OUTSIDE
11 COUNSEL ON OUR BEHALF, DID PREPARE VERY EXTENSIVE COMMENTS
12 AND THOSE WERE SUBMITTED.

13 AND NOT TO BE LOST IN THAT, WE SUPPORT WHAT
14 THE BOARD IS TRYING TO DO HERE. I MEAN, WE THINK IT MAKES
15 SENSE TO COME UP WITH A LIST OF EITHER ENTITIES OR COMPANIES
16 THAT, BY VIRTUE OF THEIR PAST PERFORMANCE, ARE NOT REALLY --
17 SHOULD NOT BE ELIGIBLE FOR CONSIDERATION OF A STATE BOARD
18 CONTRACT, GRANT, LOAN, WHATEVER, SO WE HAVE NO PROBLEM WITH
19 THE PREMISE OF WHAT YOU'RE DOING.

20 WE'RE WORKING AROUND THE EDGES HERE WHERE IN
21 A FEW CASES, AS ELLIOT INDICATED, WE THINK THE REGULATIONS
22 GO TOO FAR PARTICULARLY, AND WHO'S CAPTURED BY THIS
23 SPECIFICALLY. ANY BOARD -- ANY VIOLATION OF A BOARD STATUTE
24 OR REGULATION, WE THINK THAT IS OVERLY BROAD AND NOT REALLY
25 DIRECTLY RELATED TO THE ISSUE AT HAND. PARTICULARLY SINCE
26 YOU ALREADY HAVE A REQUIREMENT IF YOU'RE ON THE CHRONIC
27 VIOLATOR LIST YOU WOULD BE ELIGIBLE FOR THE UNRELIABLE LIST.
28 SO, WE WOULD ACTUALLY RECOMMEND DROPPING PARAGRAPH (i) IN
29 SECTION 17050.

30 SIMILARLY, PARAGRAPH (k), ANY OTHER GROUNDS
31 FOR DISQUALIFICATION IN AWARD OR APPROVAL OF A BOARD
32 CONTRACT. I MEAN, WE INTERPRET THAT TO BE AN UNRESPONSIVE
33 BID TO A CONTRACT, YOU'RE, THEREFORE, DISQUALIFIED. DOES
34 THAT MAKE YOU A CANDIDATE FOR THE UNRELIABLE LIST? WE DON'T
35 THINK IT DOES BUT WE THINK THE DRAFTING OF THAT PROVISION,
36 AGAIN, IS WAY TOO BROAD.

37 THE SECOND CONCERN, WHICH ELLIOT ALSO
38 MENTIONED, WAS THE MITIGATING FACTORS. WE THINK THAT THE --
39 PARTICULARLY IF THERE'S A RATHER WIDE NET HERE, THAT THE
40 EXECUTIVE DIRECTOR NEEDS TO BE REQUIRED TO LOOK AT
41 MITIGATING FACTORS, NOT JUST AUTHORIZED TO LOOK AT THOSE
42 FACTORS.

43 AND AGAIN, WE THINK THE TWO THAT ARE IN THE
44 REGULATIONS RIGHT NOW ARE STRINGENT, IF NOT KIND OF
45 IMPOSSIBLE. AN APPELLANT CAN'T PURSUE A CRIMINAL ACTION.
46 LAW ENFORCEMENT, DAS CAN, ATTORNEY GENERALS CAN, INDIVIDUAL
47 COMPANIES CAN'T PURSUE A CRIMINAL ACTION.

48 NOR I THINK -- OR, I WOULD BE HARD PRESSED TO
49 EXPLAIN TO MY BOARD THAT THERE IS A WAY WE CAN GET BACK IN
50 THE GOOD GRACES OF THE WASTE BOARD, AND THAT IS FOR EVERY
51 MEMBER OF OUR BOARD TO RESIGN. CLEARLY IN THOSE CASES WHERE
52 A RESPONSIBLE MANAGING EMPLOYEE OR A RESPONSIBLE OFFICER CAN

1 BE IDENTIFIED, WE THINK IT'S COMPLETELY APPROPRIATE THAT A
2 MITIGATION FACTOR BE THE REMOVAL OF THOSE INDIVIDUALS. BUT
3 TO CALL FOR THE WHOLESALE ELIMINATION OF EVERY BOARD MEMBER
4 WE THOUGHT WAS A LITTLE EXCESSIVE.

5 ONE CONCERN THAT WASN'T MENTIONED, IT WAS ON
6 THE DISCLOSURE DECLARATION, SOME OF THESE ARE ABSOLUTE
7 MATTERS OF FACT, WE HAVE NO PROBLEM, THE REGULATIONS CALL
8 FOR THIS DECLARATION TO BE DONE UNDER PENALTY OF PERJURY.
9 THAT'S FINE, BUT THERE ARE A FEW ITEMS THAT REALLY ARE GOING
10 TO BE DISPUTED AS A MATTER OF FACT. AND SO WE WOULD LIKE TO
11 SEE THAT LIST NARROWED A BIT.

12 SPECIFICALLY, A DETERMINATION BY THE A.G.
13 UNDER THE FALSE CLAIMS ACT. THERE IS NO PROCESS IN LAW FOR
14 MAKING SUCH A DETERMINATION. WE WOULD HAVE -- OR, AN
15 APPLICANT WOULD HAVE NO IDEA IF A DETERMINATION HAD BEEN
16 MADE, OR MAY HAVE NO IDEA, YET UNDER PENALTY OF PERJURY
17 WOULD BE ASKED TO MAKE THAT DECLARATION.

18 BOARD MEMBER JONES INDICATED THE PROBLEM WITH
19 CONFIDENTIALITY. THE REGULATIONS APPEAR TO PROVIDE
20 CONFIDENTIALITY AND THEN LIMIT CONFIDENTIALITY. OUR ONLY
21 INTEREST IS THAT IT BE CLEAR. IF IT'S NOT POSSIBLE FOR THE
22 BOARD TO PROVIDE CONFIDENTIALITY WE'D PREFER TO SEE NO
23 REFERENCE AT ALL TO THAT IN THE REGULATIONS.

24 AND THEN FINALLY THERE'S A PROVISION AT THE
25 VERY END OF THE REGULATION, 17062, THAT SEEMED TO SUGGEST
26 THAT REGARDLESS OF THE DETAILED PROCESS THAT'S LAID OUT IN
27 THESE REGULATIONS, THE BOARD CAN USE ANY OTHER AUTHORITY TO
28 MAKE A DETERMINATION THAT AN ENTITY IS UNRELIABLE AND,
29 THEREFORE, INELIGIBLE FOR A GRANT, CONTRACT, LOAN, WHATEVER.

30 AGAIN, WE THINK THAT MAY BE A DRAFTING ERROR.
31 CERTAINLY THE BOARD HAS STATUTORY REGULATORY AUTHORITY TO
32 MAKE DETERMINATIONS TO AWARD OR NOT TO AWARD, BUT THIS SEEMS
33 TO SUGGEST THAT THAT DECISION ALSO BRINGS ONE INTO THE
34 UNRELIABLE LIST. SO THERE'S A CONCERN THERE AS WELL.

35 GENE URBIN IS HERE, AS WELL, AND CAN ADDRESS
36 ANY QUESTIONS THAT THE BOARD HAS. AT THAT POINT THAT'S OUR
37 COMMENTS.

38 CHAIRMAN EATON: SENATOR ROBERTI.

39 MEMBER ROBERTI: MAYBE OUR STAFF CAN EXPLAIN WHY
40 SECTION 17062 IS NECESSARY.

41 MR. BLOCK: MY UNDERSTANDING IS THAT IT'S --
42 AGAIN, IT'S ANOTHER ONE OF THOSE CATCHALL SECTIONS. IT'S IN
43 THE REGULATIONS. I THINK THE CONCERN THAT HAD BEEN RAISED
44 WAS --

45 MEMBER ROBERTI: IS IT CURRENTLY IN THE
46 REGULATIONS?

47 MR. BLOCK: WELL, IT'S --

48 (THE PARTIES SIMULTANEOUSLY SPEAK.)

49 MR. BLOCK: -- IT WAS IN THE VERSION THAT WENT OUT
50 TO 45-DAY COMMENT.

51 IT WAS INCLUDED, THE IDEA I THINK BEING THAT
52 WE DIDN'T WANT TO -- WELL, TO ADDRESS THE SITUATION WHERE

1 FOR SOME REASON A PARTICULAR ENTITY HAD NOT BEEN COVERED IN
2 THE PROCESS FOR BEING PUT ON THE LIST, BUT BID ON THE
3 CONTRACT AND WE --
4 MEMBER ROBERTI: IT KIND OF READS --
5 MR. BLOCK: -- KNEW THEY WERE UNRELIABLE, WE
6 DIDN'T WANT --
7 MEMBER ROBERTI: IT KIND OF READS THIS WAY TO ME.
8 I MEAN, I UNDERSTAND WHAT YOU'RE TRYING TO GET AT, BUT IT
9 KIND OF READS THAT -- I KIND OF -- I THINK I AGREE WITH MR.
10 STODDARD. LIKE NOTWITHSTANDING ANY OTHER REGULATION WE HAVE
11 ADOPTED, THE BOARD CAN DO ANYTHING IT WANTS.
12 MR. BLOCK: RIGHT.
13 MEMBER ROBERTI: SO, I MEAN --
14 MR. URBIN: MR. CHAIRMAN?
15 CHAIRMAN EATON: MR. URBIN.
16 MR. URBIN: GENE URBIN FROM NIELSEN, MERKSMER.
17 THE STATEMENT OF REASONS WITH REGARD TO THAT
18 SECTION IS ACTUALLY HELPFUL. WHAT IT SAYS IS THAT THE BOARD
19 INTEND TO PRESERVE ITS ABILITY TO GO AFTER SOMEONE ON THE
20 UNRELIABLE LIST --
21 MEMBER ROBERTI: WHERE ARE WE GOING --
22 MR. URBIN: THIS IS THE STATEMENT OF REASONS, PAGE
23 -- INITIAL STATEMENT OF REASONS, PAGE 30 --
24 MR. BLOCK: IT'S NOT IN YOUR PACKET.
25 MEMBER ROBERTI: IT'S NOT IN MY PACKET? OKAY, I'M
26 SORRY.
27 MR. URBIN: THE INTENT THERE WAS THAT THEY WANTED
28 TO PRESERVE THEIR REMEDIES AGAINST THAT PERSON WHO IS ON THE
29 UNRELIABLE LIST. AND IN THE STATEMENT OF REASONS THEY SAY,
30 FOR EXAMPLE, TO PURSUE A BREACH OF CONTRACT ACTION.
31 WE WOULD HAVE NO PROBLEM, IF SOMEONE IS
32 PLACED ON THE UNRELIABLE LIST OF COURSE YOU SHOULD PURSUE
33 WHATEVER OTHER REMEDY. BUT UNFORTUNATELY WE INTERPRET IT AS
34 YOU DO, AND OTHERS, WHICH IS THAT IT APPEARS THAT YOU GET A
35 SECOND-BITE AT THE APPLE. THAT IF YOU DON'T GO ON THE
36 UNRELIABLE LIST THIS WAY, WELL, YOU CAN GO ON IT SOME OTHER
37 WAY AND WE ELECT NOT TO TELL YOU, THAT'S OUR CONCERN. IF IT
38 MORE CLOSELY REFLECTS THE STATEMENT OF REASONS, WE DON'T
39 HAVE AN OBJECTION.
40 THERE WERE A COUPLE OTHER MINOR OBSERVATIONS,
41 AND TELL ME IF YOU DON'T WANT --
42 MEMBER ROBERTI: I DON'T HAVE THE STATEMENT OF
43 REASON IN FRONT OF ME, BUT IT SEEMS REASONABLE, THE
44 OBSERVATION.
45 CHAIRMAN EATON: OBSERVATIONS ARE ALWAYS WELCOME,
46 MR. URBIN.
47 MR. URBIN: I'M A LITTLE CONCERNED, WHAT I
48 CHARACTERIZE AS THE STATUTE OF LIMITATIONS. THE WAY I READ
49 IT, THE BOARD -- THIS IS SECTION 17054 --
50 MR. BLOCK: IT'S PAGE 12-27.
51 MR. URBIN: RIGHT. THE BOARD HAS A SIGNIFICANT
52 UNLIMITED PERIOD OF TIME TO DISCOVER AND CONFIRM ONE OF THE

1 EVENTS. THEY THEN HAVE THREE YEARS AFTER CONFIRMATION TO
2 ADD YOU TO THE LIST. AND THEN YOU HAVE THE THREE-YEAR
3 PENALTY ONCE HAVING BEEN ON THE LIST.

4 I'M CONCERNED THAT THAT'S SIX YEARS, PLUS THE
5 INITIAL UNDETERMINED PERIOD OF TIME. AND IT COULD BE FOR
6 SOMETHING SO SIMPLE AS A MISDEMEANOR OFFENSE FROM ONE
7 EMPLOYEE IN A VERY LARGE COMPANY. I WOULD HOPE THAT IT
8 WOULD BE MORE CIRCUMSCRIBED. I THINK THERE WAS AN EFFORT
9 HERE TO DO THAT, BUT IT STILL SEEMS TO ME TO BE A VERY LONG
10 PERIOD OF TIME IN WHICH YOU CAN PURSUE SOMEBODY.

11 CHAIRMAN EATON: COMMENTS, RESPONSES? YOU DON'T
12 HAVE TO NECESSARILY RESPOND, I JUST --

13 MR. BLOCK: RIGHT.

14 CHAIRMAN EATON: -- IT WAS AN OBSERVATION.

15 MR. BLOCK: WELL, I THINK THAT -- BOTH THAT
16 COMMENT, AND ALSO THE PREVIOUS ONE ABOUT THE EXISTING ---
17 THEY ARE ALSO EXAMPLES OF WHAT WE WERE EARLIER TALKING
18 ABOUT, THAT THESE REGULATIONS INITIALLY WERE SET OUT -- THAT
19 THEY'RE VERY BROAD.

20 AGAIN, THE LANGUAGE IN TERMS OF THE STATUTE
21 OF LIMITATIONS, TO USE THAT PHRASE, YES, IT'S FAIRLY LARGE
22 IN TERMS OF THE TIME PERIOD. BUT THE IDEA BEING THAT, OF
23 COURSE, IF THERE'S MITIGATING FACTORS, ONE OF WHICH WOULD BE
24 IN FACT THAT A LONG PERIOD OF TIME HAD PASSED AND IT'S --
25 THE COMPANY PERSONNEL AND/OR THE PEOPLE INVOLVED MAYBE WERE
26 NOT THERE ANYMORE, COULD THEN RESULT IN THEM NOT BEING PUT
27 ON THE LIST.

28 BUT, AGAIN, IT'S A QUESTION OF HOW THE BOARD
29 WANTS TO DO THAT. YOU WOULD ESSENTIALLY BE LIMITING YOUR
30 OWN -- THE SCOPE OF THESE REGULATIONS BY PUTTING IN A MORE
31 DEFINITE DATE. THAT'S CERTAINLY SOMETHING YOU CAN DO.

32 BUT, BY THAT SAME TOKEN, IF FOR SOME REASON
33 SOMEBODY HAD DONE SOMETHING AWFUL THAT WE FOUND OUT ABOUT --
34 LET'S SAY WE SET IT AT THREE YEARS AND WE FOUND OUT ABOUT IT
35 FOUR YEARS LATER, YOU KNOW, DEPENDING -- IF THIS IS WORDED
36 THAT SPECIFICALLY YOU WOULDN'T BE ABLE TO ADDRESS SOME OF
37 THESE REGULATIONS. SO IT'S REALLY A CALL AS TO HOW YOU WANT
38 TO DEAL WITH THAT.

39 CHAIRMAN EATON: ANY COMMENTS BY THE BOARD WITH
40 REGARD TO THAT ISSUE?

41 MEMBER JONES: WELL, I THINK WE OUGHT TO TIGHTEN
42 IT UP. I MEAN, YOU KNOW, I DON'T THINK IT SHOULD BE A NINE-
43 YEAR PROCESS.

44 MR. URBIN: AND I HAVE JUST ONE OR TWO OTHER MINOR
45 OBSERVATIONS, LESS IMPORTANT THAN MR. STODDARD'S.

46 THE STANDARD OF REVIEW FOR YOU TO OVERTURN
47 THE EXECUTIVE DIRECTOR'S DECISION IS EVIDENCE OF MITIGATING
48 FACTORS. I THINK YOU SHOULD HAVE THE ABILITY TO JUST SAY
49 NO. I REALIZE THAT MR. CHANDLER SELDOM, IF EVER, MAKES A
50 MISTAKE, BUT.... IN THE ABSENCE OF MITIGATION WE MIGHT COME
51 TO YOU AND SAY WE SIMPLY DISAGREE, WE DON'T THINK THAT THE
52 CONTRACT SHOULD -- WHATEVER IT MIGHT BE, WE THINK YOU SHOULD

1 BE ABLE TO SIMPLY, ON A WHATEVER VOTE, DISAGREE WITH YOUR
2 EXECUTIVE DIRECTOR.

3 AND THEN ALSO -- AND WE HAVE DISCUSSED THIS
4 WITH STAFF BEFORE -- WE HAVE CONCERNS ABOUT INCORPORATION OF
5 PLACEMENT ON OTHER BOARDS' LISTS. THERE ARE MANY LISTS
6 THROUGHOUT CALIFORNIA STATE GOVERNMENT, OTHER STATE
7 GOVERNMENT, THIS IS NOT LIMITED TO CALIFORNIA STATE
8 GOVERNMENT OR ITS SUBDIVISIONS. AND THEY MAY OR MAY NOT
9 HAVE THE KIND OF PROTECTIONS THAT YOU HAVE INCORPORATED INTO
10 YOURS. THERE MAY BE A HEARING PROCESS, THERE MAY NOT; THERE
11 MAY BE AN APPEAL PROCESS, THERE MAY NOT.

12 AND PLACEMENT ON ANOTHER LIST IN THE STATE OF
13 MISSISSIPPI FOR AN OFFENSE THAT OCCURRED SEVEN YEARS AGO
14 FROM A DISMISSED EMPLOYEE WE WOULD ARGUE SHOULD NOT WARRANT
15 INCLUSION ON YOUR LIST. PARTICULARLY IF WE HAVE ALWAYS
16 PERFORMED FLAWLESSLY WITH REGARD TO CONTRACTS, GRANTS,
17 WHATEVER, FROM THIS BOARD.

18 I'M FINISHED.

19 CHAIRMAN EATON: WOULD YOU CONSIDER, HOWEVER, THAT
20 -- AND AT LEAST JUST DEAL WITH INTRASTATE LISTS VERSUS --

21 MR. URBIN: THAT WOULD CERTAINLY BE HELPFUL. IF
22 WE SCREWED UP IN THE STATE OF CALIFORNIA I THINK THAT YOU
23 WOULD HAVE ARGUABLY A MUCH MORE IMMEDIATE INTEREST IN THAT,
24 YEAH.

25 CHAIRMAN EATON: AND AS WELL AS, PERHAPS, THAT
26 THERE HAS TO BE SOME RELEVANCY TO THE ISSUE AT HAND.

27 MR. URBIN: WELL, THAT'S ONE THING THAT I WAS A
28 LITTLE BIT CONCERNED ABOUT. AND, AGAIN, I INDULGE YOUR
29 TIME. THROUGHOUT YOUR STATEMENT OF REASONS YOU MENTION --
30 IT'S REplete WITH REFERENCES TO PAST PERFORMANCE WITH REGARD
31 TO BOARD CONTRACTS. AND IT WAS SORT OF AN INTERNAL
32 ANALYSIS. HAVING SCREWED UP A BOARD CONTRACT, THE GROUNDS
33 FOR PLACEMENT ON IT CLEARLY WANDER FROM THAT AND INCORPORATE
34 MISCHIEF OR BAD BEHAVIOR THAT OCCURS COMPLETELY
35 INDEPENDENTLY OF BOARD CONTRACTS.

36 I'M NOT GOING TO STAND HERE AND TELL YOU THAT
37 THAT IS -- SHOULD NEVER BE CONSIDERED UNDER ANY
38 CIRCUMSTANCE, BUT YOU DO DEPART FROM YOUR STATEMENT OF
39 REASONS, WHICH IS REplete WITH REFERENCES TO THIS INTERNAL
40 ANALYSIS OVER WHICH WE HAVE NO DISAGREEMENT, AND YOU
41 INCORPORATE BEHAVIOR WHICH COULD BE COMPLETELY UNRELATED.
42 IT COULD BE A SUBSIDIARY OF OUR COUNTRY -- COMPANY --
43 COUNTRY --

44 (THE PARTIES SIMULTANEOUSLY SPEAK.)

45 CHAIRMAN EATON: -- CONSOLIDATION CONTINUES IT
46 VERY WELL MAY BE.

47 MR. STODDARD: ONE PLACE WHERE IT WOULD BE
48 APPROPRIATE TO PICK UP A REFERENCE, I THINK, IS IN THE
49 PUBLIC CONTRACTS CODE THERE IS A VERY SPECIFIC PROCESS FOR A
50 STATE AGENCY TO SUSPEND OR DEBAR A CONTRACTOR. WE BELIEVE
51 THOSE ARE VERY ADEQUATE GROUNDS FOR THE BOARD TO CONSIDER
52 ADDING TO THEIR UNRELIABLE LIST, SO THAT'S AT LEAST ONE

1 PLACE WHERE WE THINK THERE IS SOME OTHER LIST THAT CAN BE
2 DRAWN ON THAT WOULD BE VERY APPROPRIATE FOR THE BOARD TO
3 CONSIDER.

4 CHAIRMAN EATON: ALL RIGHTY, I THINK THE ACTION
5 REQUIRED HERE IS BASICALLY SOME DIRECTION. MR. BLOCK HAD
6 RECOMMENDED THAT HE WOULD LIKE TO GO -- OR, THAT WE'RE
7 PROBABLY GOING TO HAVE TO GO BACK OUT FOR AN ADDITIONAL 15
8 DAYS. I THINK WHAT HE'S SEEKING FROM US, IF I'M NOT PUTTING
9 WORDS IN HIS MOUTH, IS SOME ADDITIONAL LEEWAY OR ROPE AS ONE
10 -- DEPENDING ON HOW YOU WANT TO LOOK AT IT, TO TRY AND
11 INCORPORATE SOME OF THE ISSUES RAISED BY BOTH BOARD MEMBERS
12 -- WITH REGARD TO THE THREE OR FOUR DIFFERENT ITEMS THAT
13 WERE IDENTIFIED BY MR. STODDARD, AND THEN THOSE THAT WERE
14 IDENTIFIED BY MR. URBIN, AS WELL AS OTHERS, AND INCLUDING
15 MR. JONES AS RELATED TO CONFIDENTIALITY -- I'M JUST TRYING
16 TO RECAP HERE, SO IF I FORGET --

17 MEMBER JONES: I HAVE A FEW MORE --

18 CHAIRMAN EATON: AND AT THAT POINT I WILL STOP AND
19 LET MR. JONES ADD TO THE LIST.

20 MEMBER JONES: THANK YOU, MR. CHAIRMAN.

21 I DON'T KNOW IF WE'RE -- IF YOU WANT US TO
22 SUBMIT -- BUT I'VE GOT ISSUES THROUGH THIS WHERE I THINK WE
23 NEED TO ADD THE WORD "MATERIAL" PROVISIONS, WHEN YOU LOOK AT
24 THAT FIRST ENTRY LEVEL, 17050(a) --

25 MR. BLOCK: 17050(a).

26 MEMBER JONES: INVESTIGATED -- IT'S ABOUT THE
27 FIFTH LINE DOWN, "INVESTIGATED DID NOT COMPLY WITH
28 PROVISIONS," AND THE THING -- IT WOULD SEEM TO ME THAT THEY
29 NEED TO BE --

30 CHAIRMAN EATON: 17-OH-FIVE-A?

31 MEMBER JONES: YEAH.

32 MR. BLOCK: IT'S PAGE 12-24, OH-FIVE-OH -- IT'S
33 THE VERY FIRST SECTION IN SUBSECTION (a).

34 CHAIRMAN EATON: IT WOULD READ HOW, MR. JONES?

35 MEMBER JONES: WELL, I JUST THINK BEFORE
36 PROVISIONS WE SHOULD PUT "MATERIAL" BECAUSE THERE'S SO MANY
37 PIECES TO A CONTRACT. ONE OF THEM IS THAT YOU SENT YOUR
38 BILLS IN TRIPLICATE. IS THAT A VERSION -- YOU KNOW, I MEAN,
39 I JUST THINK WE NEED TO SAY "MATERIAL," THAT THESE SHOULD BE
40 PERTINENT ISSUES TO GETTING THIS CONTRACT DONE.

41 AND I ALSO THINK THAT INVESTIGATING SOMEBODY
42 FOR ALLEGED FRAUDULENT VIOLATIONS WITHOUT ANY CONCLUSION
43 OTHER THAN AN INVESTIGATOR WHO COULD BE JUST ABOUT ANYBODY
44 IN STATE GOVERNMENT, DEPENDING UPON WHAT THEY'VE BEEN
45 ASSIGNED TO, IS AN ENTRY POINT INTO THIS LIST. AND I THINK
46 THAT IT EITHER NEEDS TO BE THAT AFTER THE INVESTIGATION IT'S
47 FOLLOWED UP BY A CONVICTION, OR IT'S FOLLOWED UP BY -- I
48 WOULD SAY -- I THINK A CONVICTION.

49 MEMBER ROBERTI: WHERE IS THIS?

50 CHAIRMAN EATON: IT'S THE FIRST --

51 MEMBER JONES: IT'S THAT SAME ONE, (a).

52 CHAIRMAN EATON: IT'S ON PAGE 12-24, SENATOR, I

1 BELIEVE. IT WOULD BE THE FIRST PARAGRAPH, IT GOES RIGHT
2 INTO IT, THERE'S SOME UNDERLINING WHERE -- I THINK IT BEGINS
3 "DISALLOWANCE OF ANY AND/OR ALL" --

4 MEMBER ROBERTI: DOESN'T THE WORD "FINDING" TAKE
5 CARE OF THAT?

6 MEMBER JONES: WHERE DO YOU --

7 MR. BLOCK: IN TERMS OF THE PROPOSED LANGUAGE
8 THERE, BECAUSE THIS ISSUE HAD COME UP FROM A COUPLE OF
9 FOLKS, WHAT I TRIED TO DO IS ESSENTIALLY JUST TURN THAT
10 SENTENCE AROUND JUST TO MAKE CLEAR -- I DON'T THINK THERE
11 WAS ANY INTENT THAT THIS SECTION WOULD KICK IN JUST WHERE
12 THERE'S AN INVESTIGATION. THE INVESTIGATION IS ESSENTIALLY
13 JUST MODIFYING THE FACT THAT THERE'S A DISALLOWANCE OF ANY
14 AND ALL CLAIMS.

15 AND SO IT'S CLEAR THAT MY TRYING TO JUST TURN
16 THE SENTENCE AROUND HASN'T CLARIFIED IT, AND PERHAPS THE
17 BEST THING TO DO IS SIMPLY ELIMINATE THOSE WORDS COMPLETELY
18 AND JUST WORK OFF OF THE DISALLOWANCE OF ANY AND ALL CLAIMS.
19 OBVIOUSLY THERE WON'T BE A DISALLOWANCE WITHOUT AN
20 INVESTIGATION OCCURRING. AND, YOU KNOW, IF THAT HELPS CLEAR
21 THAT -- AND I DON'T THINK IT CHANGES THE ACTUAL SUBSTANCE OF
22 THAT SECTION AT ALL, BECAUSE IT'S STILL ALWAYS LINKED --
23 THIS PARTICULAR SECTION IS STILL -- ALWAYS LINKS THE
24 INVESTIGATION TO, THEN, A SUBSEQUENT DISALLOWANCE. SO WE
25 CAN TAKE CARE OF --

26 MEMBER JONES: BECAUSE THE FINDING COULD BE JUST -
27 - IT IS -- THAT'S A PRETTY BROAD WORD.

28 MR. BLOCK: RIGHT.

29 MEMBER JONES: IT COULD BE SOMEBODY THAT'S SAID --
30 YOU KNOW, SOMEBODY ON STAFF SAYS -- OR ANYWHERE, THAT IT WAS
31 DISALLOWED AND THAT WAS THEIR FINDING.

32 MR. BLOCK: IT'S VERY SIMILAR TO THE ONE -- THE
33 ISSUE THAT WAS RAISED IN THE VERY NEXT SUBSECTION ABOUT THE
34 ATTORNEY GENERAL DETERMINATION, AND THEN THE SECOND PART OF
35 THAT SENTENCE IS "WITH OR WITHOUT THE FILING." IT'S THE
36 SAME SORT OF IDEA.

37 MEMBER JONES: YEAH, AND THAT'S WHERE I WAS GOING
38 NEXT, THAT IT SHOULD BE WITH A FILING. I MEAN, AT LEAST
39 WITH A FILING. I MEAN, THE FACT THAT AN A.G. THINKS THAT
40 THERE WAS A VIOLATION IS PROBABLY A GOOD PLACE TO START, BUT
41 IT WOULD SEEM TO ME THERE WOULD NEED TO BE A FINISH TO THAT
42 THOUGHT PROCESS.

43 MR. STODDARD: MR. CHAIRMAN, COULD I JUST ADD
44 SOMETHING TO THAT --

45 CHAIRMAN EATON: SURE, MR. STODDARD, PLEASE.

46 MR. STODDARD: IN THAT PARTICULAR SECTION I THINK
47 WHAT -- WHERE WE THINK THE BOARD IS VERY SAFE, IF A
48 FRAUDULENT CLAIM HAS BEEN SUBMITTED AND THE BOARD HAS MADE A
49 FINAL DETERMINATION OF A FRAUDULENT CLAIM, THEN WE THINK
50 THAT'S GROUNDS FOR GOING ON THE LIST. BUT AN INVESTIGATION
51 BY ITSELF, WITHOUT A FINAL DETERMINATION OF FRAUD BEING
52 COMMITTED WE THINK GETS INTO A SQUISHY AREA, AND I THINK

1 THAT'S WHAT MR. JONES WAS TRYING TO INDICATE.

2 MS. TOBIAS: AND WOULD THAT BE, MR. STODDARD, THE
3 STAFF DETERMINATION OF FRAUD ON THAT?

4 MR. STODDARD: WELL, I WOULD THINK THAT THAT'S A
5 BOARD DETERMINATION OF A FRAUDULENT CLAIM. I DON'T KNOW
6 WHAT THE INTERNAL PROCEDURES ARE WITHIN THE BOARD OF MAKING
7 A -- THAT KIND OF DETERMINATION, BUT I WOULD ASSUME THAT
8 THAT WOULD BE AN ISSUE THAT WOULD END UP BEFORE THE BOARD,
9 OR AT LEAST COULD BE CONTESTED TO THE BOARD LEVEL.

10 MALE VOICE: THROUGH AN APPEAL PROCESS?

11 MR. STODDARD: YEAH, THROUGH SOME -- YEAH, THROUGH
12 AN APPEAL PROCESS.

13 MR. URBIN: AND THAT'S AN EXAMPLE WHERE MITIGATION
14 MAY NOT BE RELEVANT, YOU KNOW, WAS IT FRAUDULENT OR NOT.
15 MR. CHANDLER MIGHT MAKE A FINDING IT WAS, AND WE WOULD ARGUE
16 IT WASN'T FRAUDULENT, IT WAS AN ERROR BUT NOT FRAUDULENT.
17 MITIGATION REALLY DOESN'T -- ISN'T PERTINENT TO THAT
18 ANALYSIS.

19 CHAIRMAN EATON: WHAT IF A DETERMINATION WAS MADE
20 BY ANOTHER STATE ENTITY THAT WE HAD ASKED TO TAKE A REVIEW
21 OF THE PARTICULAR CLAIM, AND THEIR FINDING WAS SUCH THAT
22 PERHAPS THAT MANY CLAIMS OR AT LEAST A CLAIM, AS THE CASE
23 MAY BE, WAS NOT WARRANTED, OR ACTUALLY THEY MADE A FINDING
24 THAT PERHAPS THAT IT WAS NOT A FALSE CLAIM OR FRAUDULENT
25 CLAIM, THAT WE HAVE CONTRACTED WITH OR WE HAVE ASKED?

26 IN THAT CASE AN AUDIT -- FROM TIME TO TIME WE
27 DO ASK OTHER AGENCIES TO DO AUDITS AND SEEK THOSE KINDS OF
28 THINGS. I MEAN, THAT'S REALLY I THINK WHERE -- WE'RE TRYING
29 TO BEAT AROUND THE BUSH HERE, BUT I THINK THE REAL ISSUE IS,
30 IS THAT THERE ARE SOME TIMES WHEN WE AS AN ENTITY GO OUTSIDE
31 -- BE IT THE DEPARTMENT OF FINANCE WHICH WOULD GOVERN, OR
32 SOMETHING -- WE ACTUALLY LOOK AT THOSE THINGS. I THINK
33 THAT'S ONE OF THOSE ENTITIES WHERE WE MAY NOT, AS A BOARD,
34 MAKE THE FINDING, BUT IT MAY BE ANOTHER AGENCY THAT SAYS,
35 YOU KNOW, WE THINK THAT THIS IS SOME SUSPICION. AND THAT'S
36 WHAT --

37 MR. URBIN: I DON'T THINK WE OBJECT -- IF THERE'S
38 SOME FORMAL MECHANISM, OR EVEN INFORMAL IN SOME SENSE OF THE
39 WORD -- A DETERMINATION THAT THERE WAS FRAUD BY AN AUDIT OR
40 SOMETHING AND YOU'VE DISALLOWED CLAIMS ON THAT BASIS, WE'RE
41 NOT GOING TO....

42 CHAIRMAN EATON: I THINK THAT'S WHERE -- SOME OF
43 THAT WE'RE TRYING TO GET AT, AND MAYBE JUST BY PUTTING THE
44 ATTORNEY GENERAL.... BUT, YOU'RE ABSOLUTELY RIGHT, IF
45 THERE'S AN INVESTIGATION YOU'RE INNOCENT UNTIL PROVEN
46 GUILTY. AT LEAST --

47 MR. URBIN: WELL, I MEAN, I NOTE THAT YOU'VE
48 RELIED ON CONVICTION OF MISDEMEANOR OR FELONY.

49 MEMBER JONES: RIGHT.

50 MR. URBIN: SO THE MERE FILING OF A CIVIL LAW
51 SUIT, WHEN COMPARED TO THE CONVICTION OF A CRIMINAL ACT,
52 THEY'RE NOT TRULY COMPARABLE.

1 CHAIRMAN EATON: CORRECT.

2 MR. URBIN: AND THAT'S WHY WE'RE COMFORTABLE WITH
3 THE CONVICTION --

4 CHAIRMAN EATON: RIGHT.

5 MR. URBIN: -- ALTHOUGH THE CONVICTION OF A
6 MISDEMEANOR IS ARGUABLE. BUT IF YOU MAKE, THEN, THE
7 ADDITIONAL FINDING THAT IT SOMEHOW WOULD INTERFERE WITH THE
8 BOARD CONTRACT, THAT'S SOME COMFORT. BUT THERE'S A BIG
9 DISTINCTION BETWEEN THE -- INITIATING A CIVIL ACTION AND A
10 CRIMINAL CONVICTION. AND WE'RE MORE COMFORTABLE WITH THE
11 LATTER.

12 CHAIRMAN EATON: WELL, PERHAPS MAYBE WE, RATHER
13 THAN -- TO JUST SORT OF BRING THIS TO A CLOSE, THAT WE CAN
14 KIND OF ASK THAT -- OR, AUTHORIZE MR. BLOCK TO TAKE A LOOK
15 AT IT, RECEIVE THE COMMENTS, TRY AND WORK OUT SOME LANGUAGE
16 WITH MR. JONES.

17 AND IF YOU HAVE ANY OTHERS...?

18 MEMBER JONES: I JUST THINK (g) ON THAT SAME
19 THING, WHERE WE TALK ABOUT CHRONIC VIOLATORS, WE NEED GRANT
20 DOLLARS TO HELP -- CHRONIC VIOLATORS NORMALLY ARE PUBLIC
21 ENTITIES, THEY'RE USUALLY COUNTY-RUN AND -OWNED LANDFILLS
22 THAT USUALLY HAVE GAS VIOLATIONS OR OTHER VIOLATIONS, THAT
23 THIS -- THIS BOARD COULD OFFER A GRANT THAT COULD FIX THAT
24 ENVIRONMENTAL PROBLEM, BUT THE FACT THAT THEY'RE ON THE
25 CHRONIC VIOLATOR LIST AND NOW DEEMED UNRELIABLE, THEY WOULD
26 BE -- THEY WOULD NOT BE ALLOWED TO GET ANY OF OUR GRANT
27 MONEY UNLESS WE MADE A FINDING THAT THEY WERE INNOCENT.

28 I JUST THINK WE NEED TO EITHER FIGURE OUT A
29 WAY TO MAKE A LITTLE MORE ELABORATIVE, YOU KNOW, ADDING THAT
30 IF THE GRANT MONEY WAS TO TAKE CARE OF THE CHRONIC
31 VIOLATION, SOMETHING LIKE THAT SO OUR HANDS AREN'T TIED.

32 MR. BLOCK: WELL, LET ME GO AHEAD AND MAKE A
33 SUGGESTION, BECAUSE PROBABLY THE NEXT SECTION YOU WERE GOING
34 TO TALK ABOUT WAS (i), WHICH IS THE ONE THAT SAYS "CURRENT
35 VIOLATION OF ANY BOARD STATUTE OR REGULATION." AND THEN THE
36 LAST PART OF THAT SECTION, WHICH ACTUALLY GOES ONTO THE
37 FIRST PART OF THE NEXT PAGE, IT SAYS "WITH THE EXCEPTION
38 THAT THE CONTRACT, SUBCONTRACT, GRANT OR LOAN IS FOR THE
39 PURPOSE OF RESOLVING THE VIOLATION."

40 SO IF YOU WERE GOING TO DIRECT ME -- WHICH
41 I'M JUST KIND OF GUESSING THAT THAT WAS COMING NEXT -- TO
42 DELETE SUBSECTION (i), WE COULD MOVE THAT LAST HALF OF THIS
43 SENTENCE UP INTO THE CHRONIC VIOLATOR SECTION AND --

44 MEMBER JONES: THEN THAT WOULD CLEAN IT UP AND
45 JUST -- BECAUSE I THINK -- YEAH. LITTER VIOLATIONS IN
46 WHEREVER SHOULDN'T EXCLUDE A COMPANY FROM TRYING TO WIN A
47 GRANT.

48 CHAIRMAN EATON: MR. BLOCK, DO YOU
49 THINK WE'VE GIVEN YOU SUFFICIENT BERTH TO MANEUVER YOUR SHIP
50 THROUGH THE -- TO SAFE HARBOR, AND HAVE THE 15-DAY COMMENT
51 PERIOD AND BRING IT BACK?

52 MR. BLOCK: I BELIEVE SO. I CERTAINLY -- AND ONE

1 OF THE THINGS I WILL DO IS ALSO JUST GO BACK AND AGAIN
2 REVIEW THE COMMENTS, IN THE LIGHT OF THE -- SORT OF THE
3 GENERAL OVERALL SENSE THAT I'VE GOTTEN OF THE BOARD.
4 THIS WOULD GO OUT TO 15-DAY
5 COMMENT, WHICH MEANS ALL THE SAME PEOPLE THAT COMMENTED ON -
6 -
7 MEMBER JONES: RIGHT.
8 MR. BLOCK: -- THE FIRST VERSION GET TO COMMENT
9 AGAIN, AND IT WOULD COME BACK. AND I WILL DO MY UTMOST TO
10 MAKE SURE TO TRY TO GET IT RIGHT SO WE DON'T HAVE TO DO THAT
11 A THIRD TIME. BUT --
12 MEMBER ROBERTI: MR. CHAIRMAN?
13 MR. BLOCK: -- CERTAINLY IT WOULDN'T BE --
14 CHAIRMAN EATON: SENATOR.
15 MEMBER ROBERTI: ONE POINT, HOWEVER, ON THE
16 STATUTE OF LIMITATIONS, I -- CONSIDERING HOW UNFORTUNATELY
17 SLOW WE ARE ON SOME THINGS, I'M NOT TOO EXCITED ABOUT
18 REDUCING THE SIX YEARS. BY THE TIME WE'RE IN THE SIXTH --
19 THE SIXTH YEAR WILL HAVE EXPIRED ON US BEFORE WE'VE EVEN
20 DELVED INTO IT, SO I'M NOT TOO EXCITED ABOUT IT.
21 I DO THINK -- I DO THINK THE TWO ATTORNEYS
22 HAVE A POINT WHERE DEFINITIVENESS IS SOMETHING EVERYBODY
23 SHOULD BE ABLE TO HAVE, TO KNOW WHAT THEIR PARAMETERS ARE.
24 SO I DON'T KNOW IF I LIKE THAT INDEFINITE PERIOD IN THERE --
25 I DON'T KNOW IF THERE'S A WAY OF REMEDYING THAT -- BUT
26 ANYTHING LESS THAN SIX YEARS I THINK WOULD BE A DISSERVICE
27 TO THE PUBLIC. UNTIL WE FIND A WAY TO SPEED OUR ACTIONS UP.
28 CHAIRMAN EATON: AND ONE FINAL COMMENT, IF I MIGHT
29 MAKE -- I WOULD ASK THAT THOSE WHO WERE TO COMMENT WHO ARE
30 IN THE AUDIENCE, WHO
31 MAY COME BEFORE YOU IN THE 15-DAY PERIOD, MR. BLOCK -- WITH
32 REGARD TO SECTION 17057, REGARDING THE HEARING, PERHAPS AN
33 EFFORT CAN BE MADE BY THOSE WHO WOULD COMMENT AND THOSE WHO
34 WOULD RECEIVE IT -- THAT PERHAPS IN SUBSECTION (k), RATHER
35 THAN USING EXAMPLES, EXAMPLES ARE -- I ALWAYS FIND ARE A
36 POOR SUBSTITUTE FOR FACTORS, AND PERHAPS IF WE COULD
37 IDENTIFY FACTORS AS OPPOSED TO EXAMPLES. EXAMPLES CAN
38 ALWAYS BE USED TO IMPLY A CERTAIN FACT SITUATION, SAY IT
39 WASN'T AS SEVERE AS THAT, BUT FACTORS MAY BE A BETTER WAY TO
40 LOOK AT IT. IT MAY BE JUST COUCHED DIFFERENTLY, AND THAT'S
41 JUST MY COMMENT. I THINK FACTORS ARE ALWAYS GOOD TO
42 CONSIDER.
43 IN ADDITION, IT WOULD ALSO HELP THE EXECUTIVE
44 DIRECTOR SO THAT ON THAT RARE CHANCE, AS MR. URBIN SAID,
45 THAT HE MAY MAKE A MISTAKE HE WOULD AT LEAST HAVE SOME
46 GUIDANCE IN THAT SECTION TO MAKE SURE THAT HE AVOIDS NOT
47 CONSIDERING THOSE TYPES OF FACTORS, SO HE'S NOT OVERTURNED.
48 AND WE ALL KNOW THAT THOSE WHO SIT AS THE TRIER OF FACT DO
49 NOT LIKE TO BE OVERTURNED. SO IF WE COULD DO THAT, THAT
50 WOULD BE HELPFUL.
51 I THINK EXAMPLES ARE ALWAYS A PROBLEM. I
52 THINK THE LAST TIME WE HAD AN EXAMPLE IN ONE OF THE REGS IT

1 WAS A PROBLEM AS WELL, SO I KNOW IT'S SOMETHING -- IT'S A
2 COMMON OCCURRENCE.
3 BUT TAKE THAT AS YOU WILL, IT'S NOT A
4 MANDATE.
5 MR. BLOCK: THERE ARE SOME -- I MEAN, IT'S A
6 DIFFERENT APPROACH TO THAT, THERE ARE SOME REGULATIONS THAT
7 SOME OTHER AGENCIES HAVE THAT I'M AWARE --
8 CHAIRMAN EATON: RIGHT.
9 MR. BLOCK: -- OF THAT DO THAT, AND I CAN LOOK AT
10 THOSE AND SEE WHAT WE CAN BORROW.
11 CHAIRMAN EATON: ALL RIGHT, WITHOUT OBJECTION --
12 MEMBER PENNINGTON: YOU NEED A MOTION?
13 CHAIRMAN EATON: YEAH.
14 MEMBER PENNINGTON: I'LL MOVE THAT WE PUT THE
15 UNRELIABLE CONTRACTORS REGULATIONS OUT FOR AN ADDITIONAL 15-
16 DAY COMMENT PERIOD, AND REQUEST THAT STAFF WORK WITH THE
17 BOARD OFFICES.
18 MEMBER JONES: SECOND.
19 CHAIRMAN EATON: ALL RIGHT. MR. PENNINGTON MOVES,
20 AND MR. JONES SECONDS, I BELIEVE, THAT THE PROPOSED
21 REGULATIONS GO OUT FOR AN ADDITIONAL 15-DAY COMMENT....
22 MADAM SECRETARY, I THINK IT'S BEEN SOME TIME
23 SINCE WE HAD A ROLL CALL, I CAN'T REMEMBER, SO IF YOU
24 WOULDN'T MIND JUST DOING IT ONE MORE TIME?
25 THE SECRETARY: BOARD MEMBERS JONES?
26 MEMBER JONES: AYE.
27 THE SECRETARY: PENNINGTON?
28 MEMBER PENNINGTON: AYE.
29 THE SECRETARY: ROBERTI?
30 MEMBER ROBERTI: AYE.
31 THE SECRETARY: CHAIRMAN EATON?
32 CHAIRMAN EATON: AYE.
33 IT'S ABOUT 5:10. THERE'S A COUPLE OF THINGS
34 THAT -- WE HAVE A CLOSED SESSION FOR BOARD MEMBERS. AND
35 THERE ARE ALSO -- WHAT I HAVE IN FRONT OF ME -- AT LEAST
36 FOUR INDIVIDUALS WHO ARE FROM OUT OF TOWN WHO HAVE TO SPEAK
37 ON VARIOUS ITEMS.
38 WHAT I'D LIKE TO TRY AND DO IS, IF WE COULD,
39 ONE, COMPLETE THE ADMINISTRATION AND POLICY SECTION, WHICH
40 WOULD BE COMPLETING ITEM NO. 13, AND THEN VERY BRIEFLY HEAR
41 FROM THE FOUR INDIVIDUALS WHO TRAVELED A GREAT DISTANCE, AND
42 LET THEM SPEAK AS PART OF THEIR COMMENTS, SINCE OBVIOUSLY
43 WE'RE NOT GOING TO GET TO ITEM NO. 30 TODAY OR, NOR ARE WE
44 GOING TO GET TO ITEM 25. AND THAT IF -- WITHOUT ANY KIND OF
45 PREJUDICE, IF THAT WOULD MEET THE APPROVAL OF MY FELLOW
46 BOARD MEMBERS, WE COULD HEAR FROM THEM AND THEN GO INTO
47 CLOSED SESSION, AND EVERYONE CAN GO HOME AND THEN TAKE CARE
48 OF THEIR FAMILIAL OBLIGATIONS, WHATEVER THEY MIGHT BE.
49 MEMBER JONES: AND THEN RECONVENE TOMORROW?
50 CHAIRMAN EATON: AND THEN RECONVENE TOMORROW AT
51 9:30 AND PICK UP RIGHT --
52 MEMBER PENNINGTON: THESE FOUR INDIVIDUALS WANT TO

1 SPEAK ON WHICH ITEM?

2 CHAIRMAN EATON: WE HAVE MR. PAUL GLASS FROM THE
3 COUNTY OF SAN BERNARDINO WHO WANTED TO SPEAK ON ITEM NO. 14,
4 WHICH IS YOUR BASE YEAR ADJUSTMENT. MS. MARGARET SOUZA I
5 BELIEVE IS STILL HERE, AS WELL AS MICHELE -- IT LOOKS TO ME
6 -- SACKMAN OF MODESTO REGARDING ITEM NO. 25, WHICH IS THE
7 NEWMAN REDUCTION IN TERMS OF 50 PERCENT. AND THEN MR. GERRY
8 DEROCO FROM WILLOW IS HERE ON NUMBER 30, WHICH IS SIMPLY THE
9 PLAYGROUND MAT AND COVER ITEM.

10 MEMBER PENNINGTON: OKAY. FINE. GOOD.

11 AGENDA ITEM NO. 13: CONSIDERATION AND APPROVAL OF CONTRACT
12 CONCEPT, SCOPE OF WORK, AND AWARD OF SOLE SOURCE CONTRACT TO
13 GOTTFRIED TECHNOLOGIES, INC. (GTEK)

14 CHAIRMAN EATON: ALL RIGHT. SO IF WE CAN JUST
15 QUICKLY PERHAPS GO THROUGH ITEM NO. 13, MS. FISH, AND
16 THAT'LL CLOSE OUT YOUR ADMINISTRATION POLICY SECTION?

17 AND THEN WE WILL HEAR FROM THE FOUR
18 INDIVIDUALS IF THEY'RE STILL HERE.

19 MR. CHANDLER: AND, MR. CHAIRMAN, THANK YOU. I
20 WILL ACTUALLY BE PRESENTING ITEM NO. 13 ON BEHALF OF STAFF.

21 ALTHOUGH, KAREN, PLEASE FEEL FREE TO COME UP
22 AND HELP ME WHERE I START TO GO INTO THAT TERRITORY WHERE I
23 NEED HELP.

24 I WILL BE BRIEF, ALTHOUGH I CONSIDER THIS A
25 VERY IMPORTANT ITEM, MEMBERS. I DO WANT TO INDICATE THAT
26 MOST OF THE STAFF WORK THAT WENT INTO THIS ITEM WAS WITH
27 KATHY FREVERT, WHO IS, APPROPRIATELY, AT HOME TAKING CARE OF
28 AN ILL CHILD.

29 BUT AS NOTED, AGENDA ITEM NO. 13 ASKS FOR
30 YOUR APPROVAL OF A CONTRACT SCOPE OF WORK AND AWARD TO
31 GOTTFRIED TECHNOLOGIES, INC., A NATIONALLY-RECOGNIZED
32 CONSULTANT IN THE FIELD OF SUSTAINABLE DESIGN AND BUILDING
33 CONSTRUCTION.

34 UNDER THIS AGREEMENT THE CONTRACTOR WOULD
35 PROVIDE CRITICAL TECHNICAL SUPPORT, WHICH INCLUDES ASSESSING
36 THE EFFECTIVENESS OF THE PROPOSED GREEN BUILDING MEASURES
37 AND DEVELOPING RECOMMENDATIONS FOR INCORPORATING SUSTAINABLE
38 DESIGN FEATURES AND PRACTICES INTO THE CAPITOL AREA EAST-END
39 COMPLEX.

40 TO SOME MEMBERS ON THE BOARD THIS WILL SOUND
41 SOMEWHAT STRANGELY FAMILIAR BECAUSE IT WAS NEARLY A YEAR AGO
42 TO THIS VERY MONTH THAT I WAS BEFORE YOU ASKING FOR YOUR
43 SUPPORT IN A VERY SIMILAR NATURE, THAT BEING TO PROVIDE
44 FINANCIAL RESOURCES FOR TECHNICAL EXPERTISE THAT COULD BE
45 BROUGHT TO BEAR ON THE CAL EPA BUILDING. AND, AS YOU
46 RECALL, THE BOARD WAS SUPPORTIVE OF THAT EFFORT. HOWEVER,
47 AT THAT TIME THE DEPARTMENT OF GENERAL SERVICES ULTIMATELY
48 REFUSED TO PROCESS THAT CONTRACT.

49 OUR EFFORTS, HOWEVER, DID MOVE FORWARD. WE
50 WERE ABLE TO PUT RECOMMENDATIONS FORWARD FOR THE CAL EPA
51 BUILDING THAT INCORPORATED MUCH OF THE ENERGY EFFICIENCY AND
52 RECYCLED CONTENT PRODUCT INCORPORATION INTO THE DESIGN.

1 HOWEVER, NOT, TO MY KNOWLEDGE, MUCH HAS BEEN INCORPORATED
2 INTO THAT PROJECT DUE TO WHAT IS REFERRED TO AS TIMING AND
3 FIRST CUT (PHONETIC) BUDGET RESTRAINTS.

4 HOWEVER, WE HAVE BEEN ASKED MOST RECENTLY,
5 THROUGH THE LEGISLATIVE OVERSIGHT OF THIS OF THE JOINT RULES
6 COMMITTEE, TO BEGIN LOOKING AT THE CAPITOL EAST-END PROJECT
7 ALONG A VERY SIMILAR VEIN. IN OTHER WORDS, WHAT COULD,
8 THROUGH THE BOARD'S EXPERTISE, BE BROUGHT TO BEAR ON THAT
9 SIGNIFICANT PROJECT, ALONG WITH THE CALIFORNIA ENERGY
10 COMMISSION.

11 BOARD CHAIRMAN EATON AND MYSELF TESTIFIED
12 BEFORE JOINT RULES ON MARCH 15TH, AND IT WAS IN THAT SETTING
13 THAT WE WERE ASKED TO PROVIDE SPECIFIC RECOMMENDATIONS ON
14 THE REPORT THAT WILL SOON BE FORTHCOMING.

15 IN ADDITION, SECRETARY EILEEN ADAMS
16 (PHONETIC) OF STATE CONSUMER SERVICES AGENCY, SECRETARY
17 HICKHOCK (PHONETIC), AND SENATOR BOWEN (PHONETIC) ALSO HAVE
18 ASKED MYSELF AND MY STAFF FOR VERY SPECIFIC RECOMMENDATIONS
19 IN THIS AREA.

20 WE ARE BUILDING UP OUR STAFF EXPERTISE AS
21 FAST AS WE CAN, BUT I FEEL THAT WE NEED TO BRING ADDITIONAL
22 EXPERTISE BOTH TO THE JOINT RULES REQUEST, AS WELL AS THE
23 AGENCY SECRETARY'S REQUEST. AND SO I'M ONCE AGAIN BACK
24 BEFORE YOU ASKING FOR THIS TYPE OF FINANCIAL SUPPORT THROUGH
25 THIS CONTRACT FOR FULFILLING OUR OBLIGATIONS IN THIS AREA.

26 I THINK CHAIRMAN EATON HAS BEEN DILIGENT IN
27 HIS EFFORTS, WHEN WE SOMETIMES SIT DOWN WITH INDIVIDUALS WHO
28 MAY NOT KNOW WHY THE WASTE BOARD IS INVOLVED IN THESE
29 ISSUES, AND EXPLAINS TO THEM THE APPROPRIATENESS OF OUR 50
30 PERCENT DIVERSION MANDATE, AND THE ROLE THAT NEW
31 CONSTRUCTION PLAYS IN FINDING A HOME FOR MUCH OF THE
32 RECYCLED CONTENT MATERIAL THAT IS NOW BEING PROCURED THROUGH
33 MUCH OF OUR MARKET DEVELOPMENT LOAN ACTIVITY, ALL OF THE
34 MATERIAL THAT IS BEING DIVERTED FROM OUR MATERIAL RECOVERY
35 FACILITIES THROUGH THE EFFORTS AND LOCAL GOVERNMENT, AND
36 THAT TYPE OF CONSTRUCTION IS SUITABLE FOR THESE KINDS OF
37 RECYCLED CONTENT PRODUCTS.

38 SO AGAIN, I THINK THIS IS TIMELY, BUT WITH
39 THAT WE MOVE FORWARD FOR ADVERTISEMENTS IN THE RFQ AND THE
40 RFP IN APRIL. WE HAVE NOW GOT A COMMITMENT FROM THE
41 DEPARTMENT OF GENERAL SERVICES THAT WE WILL SIT ON THE
42 TECHNICAL REVIEW COMMITTEE, THE PROCUREMENT COMMITTEE, AND
43 WE'RE BEING CONSIDERED FOR THE FINAL CONTRACTOR SELECTION
44 COMMITTEE.

45 SO, AGAIN, I'M ASKING FOR YOUR SUPPORT TODAY
46 ON THIS CONTRACT CONCEPT, SCOPE OF WORK, AND AWARD SO THAT
47 WE CAN POSITION OURSELVES AS WE HAVE DESIRED IN THE PAST.

48 CHAIRMAN EATON: ARE THERE ANY QUESTIONS?

49 MEMBER PENNINGTON: MR. CHAIRMAN?

50 CHAIRMAN EATON: MR. PENNINGTON.

51 MEMBER PENNINGTON: YEAH. I JUST SIMPLY WOULD
52 LIKE TO MOVE THAT WE APPROVE THIS CONCEPT -- CONTRACT

1 CONCEPT, SCOPE OF WORK, AND AWARD OF SOLE SOURCE CONTRACT TO
2 THE GOTTFRIED TECHNOLOGIES, INC.

3 THIS I THINK IS TO THE HEART OF OUR MISSION,
4 AND I THINK IF WE'RE BEING ASKED BY THE LEGISLATURE TO
5 PROVIDE SOME EXPERTISE THAT WE SHOULD DO EVERYTHING WE CAN
6 TO DO THAT, AND PROVIDE THE BEST POSSIBLE ADVICE THAT WE
7 CAN. SO, I'M WHOLEHEARTEDLY FOR THIS AND SO, THEREFORE, I
8 MOVE THAT WE DO IT.

9 CHAIRMAN EATON: THANK YOU, MR. PENNINGTON.
10 IS THERE A SECOND?

11 MEMBER JONES: SECOND.

12 CHAIRMAN EATON: MR. PENNINGTON MOVES, AND MR.
13 JONES SECONDS, THAT WE ADOPT RESOLUTION 1999-143.

14 AND WITHOUT OBJECTION WE'LL SUBSTITUTE THE
15 PREVIOUS ROLL CALL. HEARING NONE, SO SHALL BE THE ORDER.

16 OKAY. THAT COMPLETES THE SECTION ON
17 ADMINISTRATION POLICY.

18 AGENDA ITEM NO. 14: DISCUSSION OF LOCAL GOVERNMENT'S
19 PROGRESS IN IMPLEMENTING RECOMMENDATIONS OF MARCH 1997 BOARD
20 ITEM ENTITLED "CONSIDERATION OF THE MEASUREMENT ACCURACY
21 ISSUES WORKING GROUP'S RECOMMENDATION FOR CORRECTING BASE-
22 YEAR AND/OR REPORTING-YEAR INACCURACIES" [NOTE: PUBLIC
23 COMMENT ONLY; AGENDA ITEM NO. 14 WILL BE PRESENTED IN FULL
24 ON MARCH 24, 1999]

25 CHAIRMAN EATON: PER THE COURTESY EXTENDED BY MY
26 FELLOW BOARD MEMBERS, MR. GLASS, I KNOW YOU'RE STILL HERE
27 SOMEWHERE -- I THOUGHT YOU'RE HERE. IF YOU COULD COME UP
28 AND SPEAK WITH REGARD TO ITEM NO. 14, WHICH IS THE BASE YEAR
29 ADJUSTMENT?

30 AFTER HE HAS COMPLETED HIS PRESENTATION AND
31 QUESTIONS ANSWERED, IF WE COULD HEAR FROM MS. SOUZA AS WELL
32 AS MS. SACKMAN, AND THEN DEROCO.

33 MR. GLASS: THANK YOU CHAIRMAN EATON, MEMBERS OF
34 THE BOARD. I HAD A NUMBER OF POINTS I WANTED TO MAKE, BUT
35 I'LL KIND OF SUMMARIZE THEM IN THE INTEREST OF BREVITY. I
36 KNOW YOU'VE BEEN HERE FOR A LONG TIME, AND SO HAVE I. AND I
37 WOULD LIKE TO BE HERE FOR THE FULL DISCUSSION TOMORROW;
38 UNFORTUNATELY, I WILL NOT BE ABLE TO. HOWEVER, SOME OF OUR
39 STAFF MEMBERS, IN THE FORM OF OUR PUBLIC/PRIVATE PARTNERSHIP
40 WITH NORCAL WILL BE HERE.

41 I WAS GOING TO MAKE FOUR POINTS. ONE IS THAT
42 WE HAVE BASED OUR REQUEST FOR A BASE-YEAR ADJUSTMENT ON
43 FACTUAL DATA, NOT A MODIFICATION OF THE BOARD FORMULA OR A
44 WAIVER OF THE RULES, OR A DIFFERENT METHOD OF DETERMINING
45 DIVERSION.

46 THE SECOND POINT I WANTED TO MAKE WAS THAT
47 THE COUNTY HAS SPENT CONSIDERABLE TIME AND RESOURCES TO
48 RESEARCH ACCURATE INFORMATION AS IT PERTAINS TO THE BASE
49 YEAR. THE BASE YEAR ADJUSTMENT INFORMATION THAT WE WILL
50 PROVIDE IS ACCURATE AND FROM CREDIBLE SOURCES -- THE BOARD
51 OF EQUALIZATION.

52 THIRD, WE ARE CONTINUING TO IMPLEMENT

1 PROGRAMS AS WELL AS DEVELOP NEW ONES.

2 AND, FINALLY, WE HAVE FOLLOWED THE RULES AND
3 THE PROCEDURES, THE PROCESS FOR REQUESTING BASE-YEAR
4 ADJUSTMENT, AND WE WOULD REQUEST THAT THESE RULES AND
5 PROCEDURES NOT BE CHANGED IN MIDSTREAM. WE REQUEST ONLY A
6 FAIR AND EQUITABLE HEARING FOR US TO MAKE OUR CASE.

7 AND THAT REALLY WILL SUMMARIZE WHAT I HAD TO
8 SAY. I WOULD HAVE LIKED TO HAVE GONE INTO A LITTLE BIT OF
9 HISTORY OF HOW WE GOT TO WHERE WE WERE, AND WHAT LED US INTO
10 REQUESTING THE BASE-YEAR ADJUSTMENT AND THAT WHOLE PROCESS,
11 BUT THAT I THINK THE STAFF WILL BE ABLE TO EXPLAIN TOMORROW
12 DURING THEIR PRESENTATION.

13 IF THERE ARE ANY QUESTIONS I'D BE HAPPY TO
14 ANSWER THEM.

15 CHAIRMAN EATON: PERHAPS, MR. GLASS, SINCE YOU
16 REPRESENT A COUNTY WHERE YOU'VE TAKEN WHAT APPEARS TO BE DUE
17 DILIGENCE -- I HAVEN'T LOOKED COMPLETELY AT YOUR CASE --
18 BUT, YOU DO BELIEVE THAT BEING ABLE TO HAVE THIS BOARD RELY
19 UPON ACCURATE INFORMATION TO MAKE THE ASSESSMENT THAT'S
20 THERE IS CRITICAL, SINCE YOU'VE HAD TO GO THROUGH THAT
21 PROCESS.

22 WHAT I'M TRYING TO GET AT IS THAT IN SOME
23 CASES PERHAPS THERE MAY NOT BE THAT KIND OF RELIABLE
24 INFORMATION AS PERTAINS TO A LOCAL JURISDICTION, AND THE
25 NUMBERS MAY NOT BE ABLE TO BE PUT TOGETHER. IN THAT CASE,
26 DO YOU HAVE ANY THOUGHTS ON WHERE THIS BOARD SHOULD GO IN
27 THOSE SITUATIONS, WHICH WOULD BE UNLIKE YOUR SITUATION?

28 MR. GLASS: WELL, I THINK -- LET ME GET BACK TO
29 MORE OF A SUBJECTIVE APPROACH, IN TERMS OF HAS THE ENTITY IN
30 QUESTION TAKEN EVERY OPPORTUNITY, HAVE THEY IMPLEMENTED
31 PROGRAMS, HAVE -- WHAT HAVE THEY DONE IN TERMS OF TRYING TO
32 REACH THE AB 939 MANDATE? AND SPECIFICALLY, BY SPECIFIC
33 AREAS, WHAT HAVE YOU DONE IN RECYCLING REDUCTION/REUSE?

34 AND I THINK WE CAN SHOW THAT WE HAVE TAKEN A
35 QUANTUM LEAP IN TERMS OF WHAT WE HAVE DONE. THAT'S NOT TO
36 SAY THAT WE'RE THROUGH. WE HAVE A NUMBER OF AREAS THAT WE
37 ARE STILL PURSUING, IN TERMS OF FRANCHISE AGREEMENTS AND
38 OFFERING CURBSIDE RECYCLING IN THE UNINCORPORATED AREAS; WE
39 ARE CONTINUING TO DO THAT. THAT'S NECESSARILY -- IS
40 INVOLVED -- IS A RATHER LENGTHY PROCESS.

41 HOWEVER, LAST YEAR WE WERE SUCCESSFUL IN
42 CONCLUDING 14 FRANCHISE AGREEMENTS THAT COVER A LARGE
43 PORTION OF THE UNINCORPORATED AREA IN SAN BERNARDINO COUNTY.
44 AND WE WILL START -- WE HAVE STARTED IN SOME AREAS, AND IN
45 OTHER AREAS IT WILL TAKE A LITTLE BIT LONGER, FOR THE
46 FRANCHISE HAULER TO GEAR UP TO OFFER CURBSIDE RECYCLING, BUT
47 IN SOME AREAS IT IS BEING OFFERED.

48 CHAIRMAN EATON: ANY QUESTIONS OF MR. GLASS?

49 THANK YOU. AND I APOLOGIZE FOR KEEPING YOU
50 HERE SO LATE, BUT WE DO APPRECIATE YOUR HANGING IN THERE AND
51 PUTTING IN THE COMMENTS. THEY ARE GREATLY APPRECIATED.

52 MR. GLASS: I THANK YOU FOR YOUR TIME.

1 CHAIRMAN EATON: JUST FOR THE RECORD, THAT WAS MR.
2 PAUL GLASS, COUNTY OF SAN BERNARDINO, AS RELATED TO ITEM NO.
3 14.

4 AGENDA ITEM NO. 25: CONSIDERATION OF A REDUCTION IN THE 50
5 PERCENT DIVERSION REQUIREMENT FOR THE CITY OF NEWMAN,
6 STANISLAUS COUNTY [NOTE: PUBLIC COMMENT ONLY; AGENDA ITEM
7 NO. 25 WILL BE PRESENTED IN FULL ON MARCH 24, 1999]

8 CHAIRMAN EATON: NEXT WE HAVE MS. MARGARET SOUZA
9 AND MS. SACKMAN REGARDING ITEM NO. 25. ARE THEY STILL HERE?
10 YES, WEARY AS YOU MAY BE.

11 MS. SACKMAN: I'M MICHELE SACKMAN, AND I'M WITH
12 STANISLAUS COUNTY DEPARTMENT OF ENVIRONMENTAL RESOURCES.
13 AND WE BASICALLY (INAUDIBLE; LEAVES MICROPHONE) IN THE
14 COUNTY, INCLUDING THE CITY OF NEWMAN, HELPING THEM WITH
15 THEIR PUBLIC OUTREACH, HELPING THEM COORDINATE PROGRAMS,
16 WORK WITH THEIR HAULS, AND BASICALLY ASSIST THEM IN
17 ACHIEVING THEIR WASTE DIVERSION, AS WELL AS DOING ALL THEIR
18 REPORTING FOR THEM.

19 AND, JUST BEFORE SENDING THIS PETITION OUT TO
20 YOU LAST AUGUST, WE WENT OVER WITH THE CITY AND WITH THE
21 HAULER LOOKING AT THEIR CURRENT PROGRAMS, SEEING WHAT WE
22 COULD DO TO ACTUALLY EXTRACT A LITTLE BIT MORE, BECAUSE
23 THEY'VE BEEN HAVING SOME CHALLENGES.

24 AND WHAT WE CAME UP WITH WAS LOOKING AT THEIR
25 GREEN WASTE PROGRAM, AND WE APPROACHED THAT IN A THREE-
26 PRONGED WAY. WE WORKED WITH THE CITY PUBLIC WORKS
27 DEPARTMENT AND PARKS TO MAKE SURE ALL THEIR GREEN WASTE WAS
28 GATHERED UP. WE EXTENDED THE CURRENT LEAF AND LIMB PROGRAM
29 ANOTHER MONTH, TO NOVEMBER. AND WE ALSO USED THE TWO
30 CLEANUP OPPORTUNITIES TO SEPARATE AND DIVERT GREEN WASTE.

31 AND I'D LIKE TO REPORT OUR FIRST YEAR AT THAT
32 -- THAT WAS FROM THIS NOVEMBER TO NOW -- AND WE WENT FROM 90
33 TONS IN 1997 TO 264 TONS.

34 AND IN ADDITION TO THAT, THE CITY IS ALSO
35 PARTICIPATING WITH US ON A DPC (PHONETIC) GRANT, WHERE WE
36 ARE PUTTING AN APPLICATION TO GET RECYCLING CONTAINERS IN
37 THEIR PARK.

38 ONE FINAL POINT I'D LIKE TO MAKE IS THAT,
39 EVEN IF THE CITY IS GRANTED THIS WASTE REDUCTION, THAT
40 THEY'RE INVOLVED IN LONG-TERM AGREEMENTS WITH THEIR HAUL AS
41 FAR AS RECYCLING, AND ALSO WITH US ON MOU, IN TERMS OF
42 CONTINUING THEIR PUBLIC OUTREACH AND EDUCATION. AND THAT
43 WILL CONTINUE INDEFINITELY. I MEAN, THAT'S NOT LIMITED BY
44 THEM GETTING THIS GOAL CHANGE.

45 AND I ONLY SPOKE TO THE POINTS THAT WEREN'T
46 ALREADY MENTIONED IN THE REPORT YOU'VE GOTTEN AND IN THE
47 PRESENTATION THERESA'S GOING TO BE DOING TOMORROW.

48 ARE THERE ANY QUESTIONS?

49 CHAIRMAN EATON: MR. JONES.

50 MEMBER JONES: I HAVE JUST A COUPLE OF
51 OBSERVATIONS. UNDER GOOD-FAITH EFFORT --

52 MS. SACKMAN: YES, SIR.

1 MEMBER JONES: -- WHEN THIS COMES THROUGH, IF THE
2 CITY'S DOING EVERYTHING IT CAN AND ONLY GETS 36 PERCENT, BUT
3 THEY -- YOU'VE DONE ALL THE PROGRAMS IN YOUR SRRE --
4 MS. SACKMAN: THAT'S CORRECT.
5 MEMBER JONES: -- HAVEN'T YOU ACHIEVED WHAT WOULD
6 BE A GOOD-FAITH EFFORT?
7 MS. SACKMAN: I BELIEVE SO.
8 MEMBER JONES: SO IS IT -- TO GO FROM 50 TO 36, IF
9 THE EFFORT'S THERE, THEN WHAT'S THE NEED TO GET THE NUMBER
10 LOWER?
11 MS. SACKMAN: WELL, I THOUGHT WE NEEDED TO REACH
12 THE GOAL, 50 PERCENT, AND WE'RE NOT GOING TO BE ABLE TO.
13 BECAUSE WITH ALL OUR EFFORT, WITH THE SIZE OF THIS CITY AND
14 THE CONSTRAINTS, THIS IS ALL WE CAN DO, IS 36 PERCENT.
15 MEMBER JONES: OKAY. AND THEN JUST REAL QUICKLY
16 ONE OTHER ITEM. IN YOUR -- IN OUR STAFF REPORT IT SAYS THAT
17 THE CITY CAN'T RAISE SURCHARGES SINCE IT'S A COUNTY-WIDE FEE
18 AND SUBJECT TO PROP 218; THE COST OF ONGOING RESIDENTIAL,
19 COMMERCIAL, INDUSTRIAL RECYCLING PROGRAMS ARE BUILT INTO THE
20 RATE PAID FOR BY THE RESIDENTS AND THE BUSINESSES.
21 PROP 218 DOESN'T HAVE AN EFFECT ON THOSE FEES
22 CHARGED TO RESIDENTS. AND THEY COULD BE FUNDED -- I MEAN,
23 YOU COULD USE THOSE DOLLARS TO FUND PROGRAMS.
24 MS. SACKMAN: WHAT WE WERE TALKING ABOUT THERE I
25 THINK WAS THE \$1.50 SURCHARGE ON THE --
26 MEMBER JONES: RIGHT.
27 MS. SACKMAN: -- ALL THE MATERIAL THAT GOES TO THE
28 WASTE ENERGY THAT FUNDS THEIR MOU WITH US. AND FOR A CITY
29 THIS SIZE, AS FOR THE CITY OF HUGHSON THAT GOT THEIRS
30 APPROVED LAST YEAR, WE EXPEND MORE FUNDS THAN ARE COLLECTED
31 BY THEIR \$1.50. AND SO THEY'RE KIND OF -- THEY'RE KIND OF
32 MAXED OUT.
33 MEMBER JONES: OKAY. SO THAT'S WHAT THAT RELATED
34 TO.
35 MS. SACKMAN: YES, SIR.
36 CHAIRMAN EATON: ANY OTHER QUESTIONS? MR.
37 PENNINGTON.
38 MEMBER PENNINGTON: YEAH, MR. CHAIRMAN.
39 I WAS WONDERING, YOU MENTIONED THE CITY OF
40 HUGHSON, WE REDUCED THEIRS LAST YEAR?
41 MS. SACKMAN: YES, SIR.
42 MEMBER PENNINGTON: TO WHAT?
43 MS. SACKMAN: TO 38 PERCENT.
44 MEMBER PENNINGTON: THIRTY-EIGHT. AND WHAT ABOUT
45 THE OTHER -- LIKE PATTERSON, WHAT'S THE --
46 MS. SACKMAN: THESE ARE THE ONLY TWO CITIES THAT
47 WE ANTICIPATE THAT HAPPENING IN.
48 PATTERSON IS NOW AT 37 PERCENT. AND WITH A
49 10 PERCENT WASTE ENERGY CREDIT THEY'LL BE AT 47 PERCENT, AND
50 WE MAY BE ABLE TO GET A LITTLE EXTRA OUT OF THEIR PROGRAMS.
51 MEMBER PENNINGTON: I'M CURIOUS WHY THE
52 DIFFERENCE. I MEAN, YOU ALL ARE WHAT --

1 MS. SACKMAN: THE DIFFERENCE BETWEEN --
2 MEMBER PENNINGTON: -- 10, 15 MILES APART, WHY --
3 MS. SACKMAN: SIZE. POPULATION. MARGARET CAN
4 SPEAK TO A LOT OF THESE THINGS. THERE'S A WHOLE BUNCH OF --
5 THIS IS ABOUT HALF THE SIZE OF PATTERSON. PATTERSON HAS
6 SOME MAJOR INDUSTRIES THAT THIS CITY LACKS; THE CITY HAS
7 ONLY TWO INDUSTRIES AND INDUSTRIAL WASTE STREAM IS SOMETIMES
8 WHERE WE GET A WHOLE LOT OF DIVERSION.
9 MEMBER PENNINGTON: OKAY, I JUST -- YOU KNOW,
10 HUGHSON IS SMALLER THAN NEWMAN, THOUGH.
11 MS. SACKMAN: HUGHSON IS SMALLER THAN NEWMAN.
12 THEY'RE FAIRLY SIMILAR IN SIZE.
13 MEMBER PENNINGTON: CERES, ABOUT...?
14 MS. SACKMAN: CERES?
15 MEMBER PENNINGTON: YEAH.
16 MS. SACKMAN: CERES IS CLOSE TO 40,000, AND WE'RE
17 TALKING LESS THAN 6,000 HERE.
18 MEMBER PENNINGTON: OKAY.
19 CHAIRMAN EATON: I JUST HAVE A QUESTION, PERHAPS -
20 - I DON'T KNOW IF YOU'LL ANSWER IT OR THE NEXT SPEAKER.
21 BUT I NOTICE IN OUR WORKUP HERE THAT THE
22 DIVERSION RATES IN THE BIENNIAL REVIEW WERE ABOUT 26 PERCENT
23 IN 1995. THEN IN 1996 THEY DROPPED DOWN TO 22 PERCENT.
24 MS. SACKMAN: THAT WAS AN ADJUSTMENT RATE ISSUE,
25 BASED ON EMPLOYMENT FIGURES THAT WERE ACCEPTED FOR '95 AND
26 WEREN'T IN '96. AND WE ANTICIPATE IT TO BE A LITTLE BIT
27 BETTER IN '97.
28 AND, LIKE I SAID, WITH WHAT WE'RE DOING WITH
29 THE GREEN WASTE WE EXPECT, IN '98 AND '99, TO BE ABLE TO HIT
30 THAT --
31 CHAIRMAN EATON: SO PROGRAMS WERE GEARING UP --
32 AND I'M USING THIS AS AN EXAMPLE BECAUSE WE'RE TRYING TO
33 FIND THOSE FACTORS WHICH MAY OR MAY NOT --
34 MS. SACKMAN: ACTUALLY, THE PROGRAMS HAVE BEEN
35 ONGOING SINCE -- THE CURBSIDE RECYCLING BEGAN IN 1992. WE
36 DID A HOME COMPOSTING PROGRAM, AND BIN GIVE-AWAY IN 1994
37 WITH THE BOARD'S WASTE PREVENTION GRANT.
38 WE HAVE BEEN DOING PROGRAMS -- EARLY ON WE
39 DID A BUSINESS EDUCATION PROGRAM, IN 1994, AND MADE SURE
40 THAT THE BUSINESSES WERE AWARE THAT THE RECYCLING PROGRAM
41 THAT WAS AVAILABLE TO THEM ON A VOLUNTARY BASIS IN 1992 WAS,
42 INDEED, AVAILABLE TO THEM. AND WE HAVE CONTINUED TO PROMOTE
43 THAT ALL ALONG.
44 CHAIRMAN EATON: SO THERE WAS -- THE ADJUSTMENT
45 WAS WHAT CAUSED THE DIP.
46 MS. SACKMAN: YES, SIR.
47 CHAIRMAN EATON: OKAY.
48 MS. SOUZA: I'M MARGARET SOUZA, AND I WORK FOR THE
49 CITY OF NEWMAN.
50 WHEN THIS PETITION WAS PUT TOGETHER A
51 PRESIDING -- AN OVERRIDING FACTOR FOR IT WAS HARDSHIP. AND
52 AS A FINANCE DIRECTOR OF A SMALL CALIFORNIA CITY I KNOW

1 HARDSHIP.

2 THE CITY OF NEWMAN, AS SO MANY OTHER CITIES,
3 ARE FACING NEW PHYSICAL (SIC) DIFFICULTIES. IN 1960 OUR
4 MAIN REVENUE SOURCES, SALES TAX, PROPERTY TAX, MOTOR AND
5 LUBE FEES AMOUNTED TO 44 PERCENT OF OUR BUDGET; TODAY IT'S
6 AT 10 PERCENT OF OUR BUDGET. THIS MAKES UP 50 PERCENT OF
7 OUR GENERAL FUND BUDGET.

8 WHAT THIS MEANS FOR OUR POLICY MAKERS, THEIR
9 DISCRETIONARY FUNDING ON SPENDING THE MONEY ON THE THINGS
10 THAT THEY LIKE TO DO IS NOT THERE. THEY USE THEIR GENERAL
11 FUND TO FUND OUR PUBLIC SAFETY OFFICERS, THE POLICE, THE
12 FIRE, RECREATION PROGRAMS, ADMINISTRATION.

13 WHAT EFFECT DOES THIS HAVE ON OUR TRADITIONAL
14 SERVICES? YOU HAVE TO LOWER COSTS, YOU LAY OFF LIMITED
15 STAFF, YOU REDUCE OR ELIMINATE SERVICES, YOU CHARGE PEOPLE
16 FOR USING THE PARKS, YOU CHARGE KIDS MORE FOR USING THE
17 POOLS. BUT, YOU ALREADY KNOW THAT, THIS ISN'T ANYTHING NEW.

18 OTHER PROBLEMS THAT HAVE FACED NEWMAN. NOT
19 ONLY IS THE REVENUE STREAM SHRINKING, ALSO GREATER BURDENS
20 HAVE BEEN PLACED ON OUR CITY, AS ALL OTHER CITIES. MORE
21 RESPONSIBILITIES.

22 THIS YEAR ALONE WE HAVE A NEW CHARGE, THE
23 COUNTY HOSPITAL RECENTLY CLOSED. WE NEVER USED TO HAVE TO
24 BUDGET FOR VICTIMS' ASSISTANCE ON RAPE EXAMS, \$900 APIECE.
25 IN A SMALL CITY LIKE OURS, 10 RAPE EXAMS MAKES UP 10 PERCENT
26 OF OUR PUBLIC SAFETY BUDGET, THAT'S PRETTY HARD. DOJ NOW
27 CHARGES US FOR LAB WORK FOR DUI TESTING, \$35.00 A POP;
28 THAT'S OVER \$3,000 OF OUR PUBLIC SAFETY BUDGET. BUT YOU
29 KNOW THIS.

30 REVENUE DIVERSIONS OF THE REVENUE THAT WE'RE
31 HAVING. WE HAD \$100,000 OF OUR PROPERTY TAX SHIFTED TO THE
32 EDUCATIONAL AUGMENTATION FUND, AND THAT'S PRETTY HEFTY
33 CONSIDERING THAT WE JUST GOT \$251,000. BUT YOU ALSO KNOW
34 THAT.

35 WE'RE NOT UNIQUE. THESE PROBLEMS --
36 SHRINKING REVENUE SOURCES, DIVERSION OF INCOME, GREATER
37 COSTS -- ARE NOT UNCOMMON FOR CALIFORNIA.

38 BUT WE HAVE ALSO BEEN HIT BY UNBUDGETED
39 EMERGENCIES, THE UNPLANNED-FOR, THE UNEXPECTED, AND THE
40 UNUSUAL. 1995 AND 1998 WE WERE HIT BY FLOODS, FLOODS THAT
41 CAUSED A GREAT DEAL OF HARDSHIP FOR OUR COMMUNITY, CREATED A
42 GREAT DEAL OF DEBRIS. WE'RE STILL TRYING TO OVERCOME THAT.

43 WE'RE ALSO SHIFTING OUR REVENUE TO TRY TO
44 MITIGATE THESE FLOOD PROBLEMS. GETTING A STUDY TO GET THE
45 CORPS OF ENGINEERS TO DO SOMETHING ABOUT OUR CREEK SO IT
46 WON'T HAPPEN AGAIN. IT SHOULDN'T HAVE HAPPENED. THEY SAID
47 NOT FOR ANOTHER HUNDRED YEARS; IT TOOK TWO YEARS BEFORE IT
48 CAME AGAIN.

49 BUT THIS IS NOT UNCOMMON, THESE PHYSICAL
50 PROBLEMS EXIST ALL OVER. BUT, HOW IT AFFECTS CALIFORNIA
51 CITIES IS WHAT'S DIFFERENT.

52 LET ME TELL YOU ABOUT THE CITY OF NEWMAN.

1 WE'RE REMOTELY LOCATED ON THE SOUTHERN TIP OF STANISLAUS
2 COUNTY. THE NEAREST TOWN IS 12 MILES AWAY, PATTERSON;
3 THERE'S A SMALL COMMUNITY FIVE MILES SOUTH OF US. WE ARE
4 CLASSIFIED AS AN URBAN COMMUNITY BECAUSE WE'RE INCORPORATED,
5 BUT OUR AREA'S CERTAINLY RURAL.

6 SHOPPING, MEDICAL CARE, EDUCATION, HIGHER
7 EDUCATION, AND ALMOST ALL THE IMPORTANT SOCIAL SERVICES ARE
8 30 MINUTES TO A 45-MINUTE DRIVE FOR OUR RESIDENCES (SIC).
9 OUR PUBLIC TRANSPORTATION IS HARDLY ADEQUATE.

10 OUR PEOPLE ARE YOUNG, THEY'RE POOR, THEY'RE
11 THE ELDERLY. FORTY-FIVE PERCENT OF OUR ADULT POPULATION
12 DOES NOT HAVE THEIR HIGH SCHOOL DIPLOMA; 45 PERCENT DO NOT
13 MASTER THE ENGLISH LANGUAGE.

14 NEWMAN HAS THE HIGHEST POVERTY RATE IN
15 STANISLAUS COUNTY. TWENTY PERCENT OF OUR POPULATION FALL
16 BELOW THE POVERTY LIMIT. WHEN WE DID NEED STUDIES ON TRYING
17 TO GET SOME HOUSING REHAB LOANS OUR CITY CAME OUT TO HAVE
18 OVER 50 PERCENT OF OUR PEOPLE FALL UNDER THE TARGET INCOME
19 LEVEL. WHAT THIS MEANS IS OVER HALF OF OUR PEOPLE DON'T
20 MAKE 80 PERCENT OF THE COUNTY MEDIUM. 1990 CENSUS SHOW THAT
21 NEWMAN'S PEOPLE MADE \$11,000 PER CAPITA ANNUAL INCOME.
22 CALIFORNIA AT THAT TIME WAS 25,000.

23 BUT OUR PEOPLE DO TAKE AN ACTIVE COMMUNITY --
24 CARE IN OUR COMMUNITY, AND OUR VOLUNTEERISM STANDS SECOND TO
25 NONE. THIS SPIRIT TRANSFORMS IN -- TRANSCENDS INTO THE
26 WASTE PROGRAMS, ENVIRONMENTAL.

27 COUNTY REPRESENTATIVES HAVE PROVIDED US A
28 GREAT DEAL OF EDUCATION. WE HAVE HAZARDOUS WASTE PICK-UP
29 DAYS, CLEANUP WEEKS, GREEN WASTE DIVERSION. WE HAVE COMPOST
30 WORMS IN OUR LIBRARIES. WE HAVE COMPOST BINS PROVIDED BY
31 THE GARDEN CLUB.

32 BUT WHAT WE DO NEED IS TO ASK FOR YOU TO
33 PLEASE CONSIDER THESE FACTORS WHEN CONSIDERING OUR REQUEST
34 TO HAVE -- TO LOWER THE 50 PERCENT DIVERSION LIMIT. OUR
35 COUNCIL AND OUR COMMUNITY WOULD REALLY THANK YOU. THANK
36 YOU.

37 CHAIRMAN EATON: ANY QUESTIONS OF MS. SOUZA? I
38 JUST HAVE TO QUICK ONES IF NO ONE ELSE DOES.

39 DO YOU HAVE ANY STATE FACILITIES OR OFFICES
40 THAT FEED INTO YOUR WASTE STREAM IN THE CITY OF NEWMAN, THAT
41 YOU'RE AWARE OF? ARE THERE SOME STATE OFFICES OF ANY SORT?

42 MS. SOUZA: THE ONLY OFFICE I COULD THINK OF, OFF
43 THE TOP OF MY HEAD, IS JUST A TEENY, TINY BUSINESS OFFICE
44 FOR CALTRANS. AND I DON'T THINK THAT COUNTS FOR WHAT
45 YOU'RE....

46 CHAIRMAN EATON: WELL, ANYTHING THAT GENERATES
47 INTO YOUR WASTE STREAM WOULD --

48 MS. SOUZA: THAT'S THE ONLY THING I COULD THINK
49 OF.

50 CHAIRMAN EATON: -- THAT CONTRIBUTES TO IT -- AND
51 I'M JUST TRYING TO FIND OUT IF THERE'S ANOTHER WAY THAT YOU
52 CAN GET TO INCREASING YOUR DIVERSION, THROUGH EFFORTS THAT

1 EITHER ARE PART OF ANOTHER ENTITY'S RESPONSIBILITY. SO I
2 ASKED THE QUESTION JUST FOR INFORMATIONAL PURPOSES MORE THAN
3 -- JUST TRYING TO FIND OUT....
4 AND ALL OF THOSE, BY THE WAY, DO COUNT. THEY
5 COUNT --
6 MS. SOUZA: YEAH. IT'S VERY SMALL --
7 (THE PARTIES SIMULTANEOUSLY SPEAK.)
8 CHAIRMAN EATON: -- AS TO WHAT YOU GENERATE, THEY
9 SURELY COUNT BY WHAT YOU DIVERT.
10 MS. SOUZA: IT'S MORE A GATHERING PLACE, BECAUSE
11 WE DO HAVE THE STATE HIGHWAY 33 RIGHT THERE, AND....
12 CHAIRMAN EATON: AND THEN THE ONLY OTHER QUESTION
13 THAT I HAVE IS THAT WE HAVE A PRIVATE AGREEMENT WITH
14 BERTOLOTTI DISPOSAL.
15 MS. SOUZA: YES, WE DO.
16 CHAIRMAN EATON: DO YOU KNOW IF THEY TAKE THEIR
17 PICK-UPS TO A TRANSFER STATION OR ANYPLACE?
18 MS. SOUZA: YES.
19 RIGHT? (TO MS. SACKMAN.)
20 CHAIRMAN EATON: AND THEN YOU GET AN ACCOUNTING
21 FOR THE DIVERSION FROM THEM?
22 MS. SACKMAN: YES, THEY DO. THEY DO THE CURBSIDE
23 (INAUDIBLE: NOT AT A MICROPHONE).
24 CHAIRMAN EATON: OKAY. THANK YOU.
25 ANY OTHER -- I'M SORRY, MR. JONES.
26 MEMBER JONES: THAT MATERIAL THAT COMES OUT OF
27 BERTOLOTTI --
28 MS. SOUZA: YES.
29 MEMBER JONES: -- WHEN HE'S DONE, WHERE DOES IT GO
30 FOR FINAL DISPOSAL?
31 MS. SOUZA: DOES THAT --
32 MS. SACKMAN: THAT GOES TO WASTE MANAGEMENT
33 (INAUDIBLE; NOT AT A MICROPHONE).
34 MEMBER JONES: SO YOU'LL GET A 10 PERCENT KICK --
35 MS. SACKMAN: (INAUDIBLE; NOT AT A MICROPHONE.)
36 MEMBER JONES: OKAY.
37 CHAIRMAN EATON: OKAY. THANK YOU. AND AGAIN I
38 APOLOGIZE FOR HAVING TO KEEP YOU HERE ALL DAY, BUT WHAT YOU
39 DID SAY WAS IMPORTANT AND WE APPRECIATE YOUR STAYING. AND
40 THAT WAY YOU WON'T HAVE TO COME UP TOMORROW.
41 MS. SOUZA: I APPRECIATE THAT. THANK YOU.
42 CHAIRMAN EATON: OKAY. THANK YOU.
43 AGENDA ITEM NO. 30: CONSIDERATION OF AWARD OF THE FISCAL
44 YEAR 1998/99 PLAYGROUND COVER AND SURFACING GRANTS [NOTE:
45 PUBLIC COMMENT ONLY; AGENDA ITEM NO. 25 WILL BE PRESENTED IN
46 FULL ON MARCH 24, 1999]
47 CHAIRMAN EATON: FINALLY, GERRY DEROCO, WITH
48 REGARD TO ITEM NO. 30, WHICH IS THE PLAYGROUND MAT AND COVER
49 ITEM WHICH WE WILL HEAR TOMORROW. MR. DEROCO.
50 MR. DEROCO: THANK YOU FOR HEARING ME TODAY; IT'S
51 BEEN A LONG DAY FOR YOU, TOO, MORE SO FOR YOU.
52 MY COUNTY WAS THE LEAD AGENCY IN A GRANT

1 APPLICATION FOR THE GLEN (PHONETIC) COMMUNITY COLLEGE
2 RUNNING TRACK RESURFACING GRANT, AND WE'RE ON THE "B" LIST.
3 WE'VE MET ALL THE REQUIREMENTS BUT NO FUNDING IS AVAILABLE.

4 SO THIS COMMUNITY COLLEGE DISTRICT SERVES TWO
5 COUNTIES WITH A TOTAL POPULATION OF ABOUT 250,000, HAS
6 APPROXIMATELY 15,000 STUDENTS, AND SERVES 58 FEEDER SCHOOLS
7 IN THE JUNIOR HIGH AND HIGH SCHOOL LEVEL.

8 AS A LITTLE BACKGROUND, I'M ALWAYS SEARCHING
9 FOR TIRES, AND ESPECIALLY TIRE BALES, BECAUSE WE HAVE
10 ENGINEERED USES FOR THOSE. AND NOW WE'RE GOING TO HAVE A
11 USE FOR THOSE AS CRUMB RUBBER. MY STAFF AT THE LANDFILL
12 HAVE ACCUMULATED ABOUT 100,000 TIRES THAT THE LANDFILL
13 ENTAILS IN THE LAST FOUR MONTHS, AND THE PEOPLE THAT BOUGHT
14 THESE TIRES ORIGINALLY HAVE PAID 25 CENTS PER TIRE DISPOSAL
15 FEE, SO THAT'S ENOUGH TO COVER THE GRANT APPLICATION.

16 OUR LOCAL TIRE HAULER HAS -- IS PERFECTING A
17 PIECE OF EQUIPMENT TO GRIND CRUMB RUBBER, WHICH YOU'RE ALL
18 FAMILIAR WITH. BUT THERE AREN'T ANY TIRE CRUMB RUBBER
19 DEALERS, OR GRINDERS, IN NORTHERN CALIFORNIA, AND HE IS
20 GOING TO BE OPERATING PROBABLY BY EARLY JUNE, AND HE HAS
21 ORDERS IN NORTHERN CALIFORNIA FOR ALL THE TIRE CRUMB RUBBER
22 THAT HE CAN PRODUCE.

23 WE HAVE CONTRACTORS UP THERE THAT USE THIS TO
24 BUILD RUNNING MATS, RUNNING TRACKS. ONE CONTRACTOR DOES ALL
25 THE BURGER KINGS AND MCDONALD'S PLAY AREAS. ANOTHER
26 CONTRACTOR WANTS CRUMB RUBBER FOR COMPRESSION-MOLDED
27 PLAYGROUND TOYS, THE BIG SPRING HORSES AND THINGS OF THAT
28 YOU SEE.

29 SO, WHAT I'M ASKING IS THAT -- AND URGING
30 YOU, BASED ON WHAT WE HEARD TODAY ABOUT POSSIBLY SOME MORE
31 ALLOCATION OF FUNDS, IS THAT YOU FUND ALL THE CLASS -- THE
32 LIST "A" PROJECTS THAT YOU ALREADY HAVE RECOMMENDED, AND
33 THAT YOU REALLOCATE OR REDIRECT SOME ADDITIONAL FUNDING TO
34 FUND ALL THE OTHER ENTITIES ON LIST "B" THAT MET ALL THE
35 MINIMUM REQUIREMENTS BUT FOR WHICH NO FUNDING WAS AVAILABLE.
36 SO, THAT WOULD BE OF THE -- INSTEAD OF THE 250,000 OR
37 300,000 THAT YOU FUND THE 533. WE COULD CERTAINLY ALL USE
38 IT. THANK YOU.

39 CHAIRMAN EATON: ANY QUESTIONS OF MR. DEROCO?

40 MR. DEROCO: THANK YOU.

41 CHAIRMAN EATON: OKAY. MR. DEROCO, JUST AS A
42 CLOSING COMMENT, IT'S ALWAYS BEEN THE BOARD'S POLICY -- AT
43 LEAST WITH REGARD TO SOME OF THESE -- IS THAT IF THEY CAN
44 FIND ADDITIONAL MONEY FOR THE APPROPRIATE PROGRAMS, BE IT
45 THE PLAYGROUND MATS OR ANY OTHER -- AMNESTY DAYS OR
46 WHATEVER, WHICH WE TRY AND DO THAT IN GOING DOWN THROUGH THE
47 LIST.

48 MR. DEROCO: I UNDERSTAND THAT. I'VE HAD
49 EXCELLENT RELATIONSHIPS WITH THIS BOARD AND THE BOARD STAFF,
50 AND THEY'RE ALL DEDICATED PROFESSIONALS, AND I ENJOY DEALING
51 WITH THEM EVERY DAY. THANK YOU.

52 CHAIRMAN EATON: OKAY. I THINK ALL OF THE

1 INDIVIDUALS WHO DESIRED TO SPEAK THIS EVENING HAVE DONE SO.
2 AT THIS TIME I'D LIKE TO GO INTO CLOSED
3 SESSION. AND THEN ONCE WE COME OUT OF CLOSED SESSION WE'LL
4 RECESS UNTIL TOMORROW MORNING, AND THEN RECONVENE AT 9:30
5 A.M. IN ESSENCE, YOU'RE ALL FREE TO GO HOME WHILE WE
6 CONTINUE OUR WORK. SO I THINK YOU, AND WE'LL RECESS --
7 MEMBER PENNINGTON: MR. CHAIRMAN?
8 CHAIRMAN EATON: MR. PENNINGTON.
9 MEMBER PENNINGTON: ON ITEM 14, IS
10 THAT --
11 CHAIRMAN EATON: WE'LL START TOMORROW ON ITEM NO.
12 14. OKAY?
13 THANK YOU.
14 (WHEREUPON, THESE PROCEEDINGS WERE ADJOURNED AT
15 5:00 P.M., TO BE RECONVENED AT 9:30 A.M., MARCH 24, 1999.)
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